EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY AT THE TIME OF FILMING. IF AND WHEN A BETTER COPY CAN BE OBTAINED, A NEW FICHE WILL BE ISSUED.

85-1357

Supreme Court, U.S.
FILED
FEB 10 1986
JOSEPH F. SPANIOL, JR.
CLERK

CASE NO. _____

SUPREME COURT OF THE UNITED STATES

OCTOBER, 1985 TERM

MICHAEL BRAUER,
PETITIONER,

VS.

THE PEOPLE OF THE STATE OF COLORADO,
RESPONDENT.

ON WRIT OF CERTIORARI TO THE
SUPREME COURT, STATE OF COLORADO

PETITION

MICHAEL BRAUER
2075 CRABTREE DRIVE
LITTLETON, COLORADO 80121
(303) 798-2515

PRO SE
MEMBER OF THE BAR OF THE SUPREME COURT
OF THE UNITED STATES

14 pp

STATEMENT OF QUESTIONS

The "penalties" referred to in the paragraphs, below, refer to 1) the initiation of the "disability proceeding" by the State of Colorado (hereafter "State") as an "Original Proceeding In Disability" before the Colorado Supreme Court; and, 2) the Orders requiring Petitioner to submit to an examination by a psychiatrist; and, 3) the Order transferring Petitioner to "disability inactive status" (in effect, the suspension of Petitioner's license to practice law).

1. Does the Free Exercise Clause of the First Amendment to the Constitution of the United States (hereafter "Constitution") prohibit the State from imposing penalties on an attorney when the only grounds for such penalties consist of letters written by the attorney expressing his religious beliefs and opinions?

2. Does the Establishment Clause of

the First Amendment to the Constitution forbid the State from coercing an attorney into the practice of a conforming religion and/or religions tacitly approved by the justices of the State Court by imposing penalties on the attorney when the only grounds for such penalties consist of letters written by the attorney expressing his non-conforming religious beliefs and opinions?

3. Does the Free Speech Clause and the Right to Petition Clause of the First Amendment to the Constitution forbid the State from imposing penalties on an attorney when the only grounds for such penalties consist of letters written by the attorney expressing his religious and political beliefs and opinions?

4. Do the First Amendment Freedoms of the Constitution forbid the State from invading an attorney's Right to Privacy

by ordering the attorney to submit to a psychiatric examination when the only grounds for such Order consist of letters written by the attorney expressing his religious and political beliefs and opinions?

5. Is an attorney denied Due Process of law as guaranteed by the Fifth Amendment and Section 1 of the Fourteenth Amendment to the Constitution as a result of the following:

a) the evidence does not rationally support the penalties when the evidence consists of the attorney's expressions of his religious and political beliefs and opinions; and/or,

b) the evidence does not rationally satisfy the Constitutionally required burden of proof and the State's own promulgated burden of proof (i.e., "clear and convincing"); and/or,

c) the state court never acquired

jurisdiction over the attorney because the evidence does not rationally provide probable cause or any grounds whatsoever for initiation of the "disability proceeding"; and/or,

d) the State's allegations of facts as contained in the "Petitions" and various "'Responses'" are vague and conclusory; and/or,

e) the allegations do not support the State's cause of action because they consist of hearsay; and/or,

f) the repetition of "allegations" consisting of merely inflammatory innuendoes were highly prejudicial and wrongly influenced the State Court's opinion of the attorney's mental state; and/or,

g) other violations of procedural and substantive Due Process (which are fairly included within objections and/or defenses raised by the attorney)?

6. Is an attorney denied Due Process of law as guaranteed by the Fifth Amendment and Section 1 of the Fourteenth Amendment to the Constitution as the result of the reversal of the burden of proof?

7. Does the State Court's abdication of its judicial functions and substitution of the opinion of a single psychiatrist in the place of such functions in a "disability proceeding" constitute, in effect, a "one man jury" or "one man inquisition" in violation of the Impartial Jury Clause of the Sixth Amendment, the Seventh Amendment and the Due Process Clause of the Fifth Amendment and Section 1 of the Fourteenth Amendment to the U.S. Constitution?

8. Is an attorney denied Equal Protection of the law when the State denies the attorney important protections guaranteed by the First Amendment

Freedoms and the Due Process Clause as guaranteed by the Fifth Amendment and Section 1 of the Fourteenth Amendment to the Constitution and similar protections guaranteed by the Constitution of the State of Colorado and protections provided by state and federal laws by imposing penalties on the attorney because the attorney wrote letters expressing his religious and political beliefs and opinions?

9. The Moot Orders of the State Court are appropriate for review under the doctrine of issues capable of repetition, yet evading review.

TABLE OF CONTENTS

	Pages
STATEMENT OF QUESTIONS	1
TABLE OF CONTENTS	6
TABLE OF AUTHORITIES	8
REPORTS OF OPINIONS	17
JURISDICTION	17

	Pages
CONSTITUTIONAL PROVISIONS AND FEDERAL LAW	19
STATEMENT OF FACTS	20
ARGUMENT	36
Introduction	36
First Amendment Freedoms	39
Free Exercise Clause	42
Establishment Clause	44
Free Speech Clause	49
Right to Petition Clause	56
Right to Privacy	63
Due Process Clause	64
Burden of Proof	69
Equal Protection Clause	72
One Man Inquisition	74
Review of Moot Orders	75
APPENDIX	
I. Opinions, Etcetera, Delivered Upon Rendering of Order	77
II. Other Opinions, Etcetera	77
III. Orders Sought to Be Reviewed	86

Pages

IV. Other Materials 94

TABLE OF AUTHORITIES

United States Constitution

United States Constitution
Amend. I

First Amend. Freedoms 2,5,19,31,32, 39,40,50,63, 72,94,118, 119,121,122, 123,126,142

Free Exercise Clause 1,19,40,42, 43,44,94,118, 119,121

Establishment Clause 1,19,40,44, 45,47,49,94, 118,119,121, 141,143

Free Speech Clause 2,19,40,49, 50,94,118, 120,121

Petition Clause 2,5,6,19,40, 56,58,94,118, 121

United States Constitution Amend. V 3,5,6,19,32, 33,64,69,72, 74,94,124,137

United States Constitution Amend. VI 5,19,32,72, 74,95,139

	Pages
United States Constitution Amend. VII	5,19,32,72, 74,95,139
United States Constitution Amend. XIV, Sec. 1	
Due Process Clause	3,5,6,19,32, 33,64,69,72, 74,95,124,137
Equal Protection Clause	5,20,32,72, 73,74,95,140, 143
Colorado Constitution	
Colorado Const. Art. II, Sect. 4	6,32,73,98
Colorado Const. Art. II, Sect. 10	6,32,73,99
Colorado Const. Art. II Sect. 23	73,100
Colorado Const. Art. II, Sect. 24	6,32,73,101
Colorado Const. Art. II, Sect. 25	6,32,73,101
Federal Statutes	
5 U.S.C. 552(a)	20,73,96

	Pages
5 U.S.C. 552(b)(7) (B) and 552(b)(7) (C)	20,73,96
5 U.S.C. 552a(b)	20,73,97
28 U.S.C. 1257(3)	19
28 U.S.C. 2101(c)	19,144
42 U.S.C. 1983	20,73,97
Rules of the Supreme Court of the United States	
R. Sup. Ct. 17.1(c)	39
Colorado Rules of Civil Procedure	
C.R.C.P. 38	102,139
C.R.C.P. 38 (a) and (b)	102
C.R.C.P. 121, Section 1-15	103,117
C.R.C.P. 241.1	21,103
C.R.C.P. 241.2(a)	105
C.R.C.P. 241.3(a)	105

	Pages
C.R.C.P. 241.3(c)(5)	22,106
C.R.C.P. 241.4(a)	106
C.R.C.P. 241.4(c)(3)	22,106
C.R.C.P. 241.14	114
C.R.C.P. 241.14(d)	73,107
C.R.C.P. 241.19	21,31,108
C.R.C.P. 241.19(a)	66,108,127, 135
C.R.C.P. 241.19(c)	66,85,88,110, 127,135
C.R.C.P. 241.19(e)	70,124,127, 129,134,135, 136
C.R.C.P. 241.20(a)	114
C.R.C.P. 241.25(d)(3)	116
Colorado Rules of Criminal Procedure	
C.R.Cr.P. 23	116
C.R.Cr.P. 23(a)(1) and (a)(2)	116

	Pages
Colorado Revised Statutes	
C.R.S. 13-25-127(1)	70,101
C.R.S. 13-70-102(1)	74,102
United States Supreme Court Cases	
Baird v. State Bar of Arizona 401 U.S.1 (1971)	50
Board of Education v. Allen 392 U.S. 236 (1968)	45
Brandenburg v. Ohio 395 U.S. 444 (1969)	53,55,56
Brotherhood of Railroad Trainmen v. Virginia ex. rel. Virginia State Bar 377 U.S.1 (1964)	52,58
Brown v. Louisiana 383 U.S. 131 (1966)	54,73
Burks v. United States, 437 U.S.1, 18 (1978)	52
California Motor Transport Co. v. Trucking Unlimited 404 U.S. 508 (1972)	48,58,59
Cantwell v. Connecticut 310 U.S. 296 (1940)	42,46,62
Cleveland v. LaFleur 414 U.S. 632 (1974)	66,67,68

	Pages
Dennis v. United States 341 U.S. 494 (1951)	52,54
Eastern Railroad Conference v. Noerr Motor Freight 365 U.S. 127 (1961)	57,59
Engel v. Vitale 370 U.S. 421 (1962)	45
Estate of Thornton v. Caldor, Inc. 53 U.S.L.W. 4853 (June 26, 1985)	48
Everson v. Board of Education 330 U.S. 1 (1947)	45
Griswold v. Connecticut 381 U.S. 479 (1965)	59,63,64
In re Oliver 333 U.S. 257 (1948)	68,75
In re Sawyer, 360 U.S.622 (1959)	50,68
In re Winship 397 U.S. 358 (1970)	69
Konigsberg v. State Bar of California 353 U.S. 252 (1957)	37,50,51,63, 64,68,73
Lemon v. Kurtzman 403 U.S. 602 (1971)	44,45,46,48, 49
McCollum v. Board of Education 333 U.S. 203 (1948)	45,46,49

	Pages
Moore v. Ogilvie 394 U.S. 814 (1969)	76
N.A.A.C.P. v. Alabama 357 U.S. 449 (1958)	63,64
N.A.A.C.P. v. Button 371 U.S. 415 (1963)	41,52,53,54, 55,58
Noto v. United States 367 U.S. 290 (1961)	52,54
Papachristou v. City of Louisville 405 U.S. 156 (1972)	64,65,66,67, 68
Schenck v. United States 249 U.S. 47 (1919)	56
Schneider v. State 308 U.S. 147 (1939)	50,53,57
Sherbert v. Verner 374 U.S. 398 (1963)	43
Southern Pacific Terminal Co. v. I.C.C. and Young 219 U.S. 498 (1911)	76
Speiser v. Randall 357 U.S. 513 (1958)	69
Spevack v. Klein 385 U.S. 511 (1967)	51,68
Stone v. Graham 449 U.S. 39 (1980)	47
Super Tire Engineering Co. v. McCorkle 416 U.S. 115 (1974)	75

	Pages
Thomas v. Collins 323 U.S. 516 (1945)	40,41,42,55, 62
Thompson v. City of Louisville 362 U.S. 199 (1960)	67,68
United Mine Workers of America, District 12 v. Illinois State Bar Association 389 U.S. 217 (1967)	52,53,54,55, 56,57,58
United Mine Workers of America v. Pennington 381 U.S. 657 (1965)	59
United States v. Ballard 322 U.S. 78 (1944)	42
United States v. Cruikshank 92 U.S. 542 (1875)	42,56,65
United States v. Sisson 399 U.S. 267 (1970)	43
United States v. Trans- Missouri Freight Association 166 U.S. 290 (1897)	76
Vitek v. Jones 445 U.S. 480 (1980)	37,139
Wallace v. Jaffree 53 U.S.L.W. 4665 (U.S. June 4, 1985)	39,44,45,46 47,48,49

	Pages
Walz v. Tax Commission 397 U.S. 664 (1970)	45,49
West Virginia State Board of Education v. Barnette 319 U.S. 624 (1943)	42,44
Wood v. Georgia 370 U.S. 375 (1962)	62
Wooley v. Maynard 430 U.S. 705 (1977)	39
Yates v. United States 354 U.S. 298 (1957)	52,54,55
United States District Court Cases	
Nicholson v. Board of Commissioners of the Alabama State Bar Association 338 F.Supp.48 (D.C.M.D. Alabama, 1972)	41,43
United States v. Sisson 297 F.Supp.902 (D.C. Mass., 1969)	43,44
Colorado Cases	
Exchange National Bank v. Sparkman 191 Colo. 534, 554 P.2d 1090 (1976)	70

	Pages
Other State Court Cases	
Webb v. Fury 282 S.E.2d 28 (W.Va., 1981)	56
Secondary Materials - Books	
McCormick, Evidence (2d ed. 1972)	70

REPORTS OF OPINIONS

No opinion was rendered by the Colorado Supreme Court. No finding of facts was rendered by said Court except brief, flat, conclusory statements.

JURISDICTION

Judgments Sought To Be Reviewed

Petitioner requests the Supreme Court of the United States (hereafter "the Court") to review the Order rendered by the Supreme Court, State of Colorado, (hereafter "State Court"), transferring attorney-Petitioner to "disability inactive status," dated November 7, 1985, entered November 8, 1985.

Furthermore, Petitioner requests the Court to review the following additional Orders of the State Court:

1. The Order dated August 29, 1985, entered August 30, 1985 requiring Petitioner to "submit to a medical examination by Dr. Frederick M. Miller [a psychiatrist] ... on or before September 30, 1985."

2. The Order dated October 11, 1985, entered October 15, 1985 "transferring" Petitioner to "disability inactive status without further hearing," effective October 31, 1985, unless Petitioner submits to a psychiatric examination by Dr. Miller on or before October 31, 1985.

Orders Respecting Rehearing

In Orders dated October 3, 1985 (entered October 4, 1985) and November 13, 1985 (entered November 14, 1985), respectively, the State Court denied Petitioner's Motions For Reconsideration

of the Order and Judgment, dated September 30 and November 8, 1985.

Federal Statute Conferring Jurisdiction

The Federal statute which confers jurisdiction on the Court is 28 U.S.C. 1257(3).

The Federal statute which sets the time limits within which a Petition for Writ of Certiorari must be filed is 28 U.S.C. 2101(c).

CONSTITUTIONAL PROVISIONS AND FEDERAL LAW

1. The Free Exercise Clause, Establishment Clause, Free Speech Clause and Right to Petition Clause of the First Amendment to the U.S. Constitution.

2. The Due Process Clause of the Fifth Amendment and Section 1 of the Fourteenth Amendment to the U.S. Constitution.

3. The Impartial Jury Clause of the Sixth Amendment to the Constitution.

4. The Seventh Amendment to the U.S.

Constitution.

5. The Equal Protection Clause of Section 1 of the Fourteenth Amendment to the U.S. Constitution.

6. 42 U.S.C. 1983.

7. 5 U.S.C. 552(a);(b)(7)(B);(b)(7)(C) and 5 U.S.C. 552a(b).

See Appendix.

STATEMENT OF FACTS

Petitioner, Michael Brauer, passed the Bar exam and was admitted to the practice of law in Colorado by the Supreme Court, State of Colorado, on May 19, 1975. Petitioner also has been a member of the Bar of the Supreme Court of the United States since September 1, 1978.

Petitioner is representing himself in this appeal.

While there is an organization named the "Colorado Bar Association" such association is social in nature and takes no part in regulating the practice of law

in Colorado. This is done by the Colorado Supreme Court itself, which body regulates by promulgating court rules. C.R.C.P. 241.1. The State Court has established by rule two types of proceedings by which to examine an attorney's conduct in the practice of law. One is the "disciplinary proceeding" in which alleged violations of the Code of Professional Responsibility are examined. C.R.C.P. 241.1 et. seq. The other is the "disability proceeding" in which allegations of incompetency to practice law because of mental illness are examined. C.R.C.P. 241.19. The case at bar involves the latter type of proceeding. In Petitioner's view many of the provisions which apply to disciplinary proceeding also apply to disability proceedings. C.R.C.P. 241.1 et. seq.

The "Disciplinary Prosecutor," an

attorney appointed by the State Supreme Court, is supposed to prosecute disciplinary and disability actions. C.R.C.P. 241.4(c)(3). The "Committee Counsel," an attorney appointed by the State Supreme Court, is supposed to "cooperate" with the Disciplinary Prosecutor. C.R.C.P. 241.3(c)(5).

The case at bar does not involve the practice of law. It involves several letters written privately by Petitioner to government officials.*

As early as May 25, 1983, Petitioner wrote letters to President Ronald Reagan and received responses from the White

---

* While Petitioner's private letter to Judge Moore and Petitioner's private letters to two religious leaders (Bishop James O. Mote and Bishop William Frey) were made part of Respondent's "Petition" (see Respondent's "Petition," dated May 20, 1985 and "Supplement to Petition," dated May 22, 1985 and Exhibits thereto) an examination of Respondent's pleadings reveal that the principal focus of Respondent's cause of action seems to involve (Petitioner is not sure) Petitioner's letters to President Reagan. Furthermore, the Constitutional and legal issues presented by these letters are very similar to the issues presented by the letter to President Reagan. Therefore, unless the Court wishes more discussion in detail on the Constitutional and legal issues presented by the letters to Judge Moore, Bishop James O. Mote and Bishop William Frey Petitioner will discuss primarily the Constitutional and legal issues presented by the letter to President Reagan, with the confidence that the issues presented by the other letters are fairly included.

House. These letters and the responses thereto do not appear in the Record. They are, however, mentioned in one of Petitioner's letters which does appear in the Record. See Respondent's Exhibits, letter to Reagan/Herrington, dated Novembe: 23, 1984.

Petitioner's letters, for the most part, expressed Petitioner's religious beliefs and opinions, and to a greatly lesser extent, expressed certain of Petitioner's political beliefs and opinions. Petitioner obtained the answers to legitimate questions that the public servants refused to respond to and resolved a dilemma President Reagan surely faced by commanding the latter to appoint Petitioner to the Supreme Court of the United States, should a vacancy occur. Petitioner also made Spiritual predictions concerning orange trees in Florida and other disasters. See

Respondent's Exhibits, letter to Reagan/Herrington, dated November 23, 1984. Petitioner stated his religious credentials. See Respondent's Exhibits, letters to Reagan/Herrington, dated November 14 and December 21, 1984 sent with cover letter to Reagan/Herrington, dated December 21, 1984. An article appeared in the Denver Post on February 13, 1985 extolling the virtues but not reviewing the liabilities of prospective nominees to the United States Tenth Circuit Court of Appeals. Petitioner also stated his concern that persons representative of certain political interest groups are being appointed, under cover of relative secrecy, to positions of higher and higher authority in the federal government. Petitioner also supplied information within his knowledge. The letters expressing these concerns and containing this information

was sent to a limited number of appropriate public officials. Respondent's Exhibits, letters to Reagan/Buchanan dated February 27, 1985.

It is obvious from the letters that Petitioner believed that it was important for the country that these religious views be communicated to appropriate government officials. In the absence of a comprehensible response to Petitioner's letters his language becomes more forceful. It can be gathered from the letters that the letters themselves were necessary and forceful language was necessary for at least two reasons. First, welcome or not, the letters are historical documents that when given certain information, predictions and warnings on a certain date certain responsible political leaders took this or that action. Second, there is a danger that bland language will be

ignored -- not because the intended reader would not be interested in the message -- but because the intended reader fails to grasp the importance of the message.

Therefore, Petitioner repeated his spiritual prophecies, religious beliefs and (to a greatly lesser extent) political concerns. Respondent's Exhibits, letters to Reagan/Buchanan, dated March 18, March 29, April 3, and May 8, 1985.

Receiving no comprehensible response from the public servants of either the Executive Branch or the Legislative Branch, Petitioner wrote a personal and confidential letter to John P. Moore, Chief Federal District Judge (hereafter "Judge Moore"), dated May 16, 1985. See Respondent's Exhibits. Petitioner worked for Judge Moore before he became a Judge when he was Colorado Attorney General, and knew him personally. Respondent's

Exhibits, letter to Reagan/Buchanan, dated February 27, 1985, at 5. The letter expressed some confidence in Judge Moore. The letter expressed the desire that Judge Moore would be able, by making the personal sacrifice of refusing the 10th Circuit appointment, to obtain some comprehensible response from the Executive and Legislative Branches. Respondent's Exhibits, letter to Judge Moore, dated May 16, 1985 at 1-2. The letter was also accompanied by a photocopy of a letter written to a religious leader further setting forth Petitioner's religious credentials. Judge Moore was supplied with a photocopy of a letter Petitioner wrote to one Bishop Frey as background: the letter contains a very brief account at 5-11 of events which occurred upon which Petitioner's religion is based. See Respondent's Exhibits, letter to Judge Moore, dated May 16, 1985

at 2, 10; letter to Bishop William Frey, dated April 20, 1985. Petitioner's letter to Judge Moore was a personal communication and plainly was not the initiation of any legal proceeding against the Executive and/or Legislative Branch. Furthermore, the Record contains no allegations that there was any legal proceeding before Judge Moore which could be affected in any way by Petitioner's letter.

The Record contains no allegations that any client of Petitioner's, past, present or prospective was injured or complained of injury caused by Petitioner as a result of legal representation extended by Petitioner. The Record contains no allegations that Petitioner was even accepting clients.

The Record contains no allegations that the U.S. Secret Service was concerned about Petitioner's letters to

President Reagan beyond asking Petitioner a few questions.

The Record contains no allegations of any criminal charges, civil action and/or disciplinary complaint filed against Petitioner.

An "Original Proceeding in Disability" was instituted on May 20, 1985, in the Supreme Court, State of Colorado, Case No. 85 SA 182.

Committee Counsel, Colorado Supreme Court Grievance Committee, filed a "Petition" in the Supreme Court State of Colorado, (also "State Court") on May 20, 1985, requesting the State Court to order Petitioner to show cause within ten days why Petitioner "should not be examined by a qualified medical expert to determine whether... [Petitioner] is incapable of continuing to practice law by reason of mental infirmity." A "Supplement to Petition," containing all but one of

Petitioner's letters comprising Respondent's Exhibits, was filed May 22, 1985. The State Court rendered an Order to Show Cause and a Rule to Show Cause to that effect on May 23, 1985. The "Petition" was filed and the State Court's Order rendered under a Rule promulgated by the Colorado Supreme Court providing for an "original proceeding in disability." See C.R.C.P. 241.19.

Petitioner appeared specially, representing himself, objecting to the jurisdiction of the State Court over the person of Petitioner and over the subject matter and filing a Motion to Strike, dated June 3, 1985, and a Motion to Quash, dated June 3, 1985.

Petitioner first raised questions as set forth in paragraphs 1, 2 and 3, Statement of Questions, above, concerning the First Amendment Freedoms in Petitioner's "Motion to Strike," dated June

3, 1985, at 1-3. Petitioner first raised the questions as set forth in paragraph 5, Statement of Questions, above, concerning substantive and procedural due process in said Motion to Strike as follows: 5(a) [at 3-4]; 5(b) [at 11]; 5(c) [at 7-8]. 5(d) [at 3-4]; 5(e) [at 7-8]; 5(f) [at 8]. Petitioner first raised the question as set forth in paragraph 7, Statement of Questions, above, concerning a one man inquisition in said Motion at 3. Petitioner first raised the question as set forth in paragraph 8, Statement of Questions, above, concerning the Equal Protection Clause in said Motion at 3-4. The State Court denied said Motion on August 12, 1985.

Petitioner first raised questions as set forth in paragraph 4, Statement of Questions, above, concerning the First Amendment Right to Privacy in Peti-

tioner's "Motion For Further Enlargement of Time (Motion to Strike"), dated June 3, 1985 at 9. Petitioner first raised questions as set forth in paragraph 5(g), Statement of Questions, above, concerning substantive and procedural due process in said Motion at 17, para. 23. Petitioner first raised questions as set forth in paragraph 6, Statement of Questions, above, concerning the reversal of the burden of proof in said Motion at 17-19. The State Court granted said Motion insofar as enlarging the time period for filing a Brief was concerned on June 19, 1985. However, the State Court was silent on the Constitutional questions.

Petitioner has specified in the body of the herein Petition the stage that he first raised the federal questions sought to be reviewed. Petitioner repeatedly raised the federal questions in subsequent stages as demonstrated by excerpts

from the Record quoted in the herein "Appendix."

Because of the numerous questions raised relating to paragraph 5 of the "Statement of Questions," herein and in order to save undue expense to himself relating to that issue Petitioner has quoted excerpts only from early and later Motion/Briefs. Questions relating to that paragraph were raised repeatedly by Petitioner in intervening Motions/Briefs.

On August 29, 1985 the State Court ordered Petitioner to "submit to a medical examination by one Dr. Frederick M. Miller [a psychiatrist] ... on or before September 30, 1985." Petitioner considered this Order to be a gross violation of Petitioner's Constitutional rights. Therefore, Petitioner refused. Petitioner filed on September 30, 1985 his "Motion For Reconsideration Of The Order And Judgment," and "Notice of

Appeal," both dated September 30, 1985. The State Court denied Petitioner's Motion for a Reconsideration Of The Order and Judgment" on October 3, 1985.

On its own Motion the State Court again ordered Petitioner to submit to a psychiatric examination on or before October 31, 1985 giving Petitioner the choice of submitting to the examination or being "transferred to disability inactive status without further hearing." Petitioner again refused. Petitioner once again filed on November 8, 1985, a "Motion For Reconsideration Of The Order And Judgment" and a second "Notice Of Appeal," both dated November 8, 1985. The State Court denied Petitioner's second "Motion For Reconsideration Of The Order And Judgment" on November 13, 1985.

On November 8, 1985, the State Court entered its Order dated November 7, 1985 in which Petitioner was "transferred to

disability inactive status until further Order of this Court."

No hearing whatsoever was provided Petitioner. At no time did the State Court render an opinion of law. The State Court made no findings of fact other than the brief, flat conclusory statement contained in its Order dated October 11, 1985.

ARGUMENT

Introduction

The case at bar is a case of first impression in a rather new and undeveloped context: the attorney - mental state - disability proceeding context. In Petitioner's opinion, it is obvious from a review of the entire Record that the State Court has been unable to relate important Constitutional questions to this type of context. Neither has the State Court been able to articulate this.

State Action of this nature has

important, far-reaching Due Process implications. It opens the door for state courts to find an attorney at fault for what are, in effect, "elementless crimes" or "elementless disciplinary violations" by the simple and expedient means of the court finding that the attorney is "mentally infirm." The Court should halt this important trend which is highly destructive to Constitutional protections before it advances too far.

This is all the more important because Petitioner would contend that attorney regulatory proceedings are quasi-criminal in nature. See Konigsberg v. State Bar of California, 353 U.S. 252, 257-258 (1957); Vitek v. Jones 445 U.S. 480, 491-492 (1980).

The State Court did not even acknowledge the presence of the important Constitutional questions raised repeatedly by Petitioner. The only implication

that can be drawn from this is that, in the opinion of the State Court neither the Constitution of the United States nor the Constitution of the State of Colorado exist in Colorado. The State Court has also legislated, interpreted and applied a confusing statutory framework in such a manner as to abdicate its judicial functions and place unconstitutionally excessive reliance upon the opinion of a single psychiatrist. This is judicial engineering at its worst: an elaborate scheme to produce a "scientific" result in the field of adjudication.

The case at bar is also a clear example of a recent destructive and nationwide trend: reversal of the burden of proof. See, the discussion herein, below, in the "Argument" in the section "Burden of Proof." This trend is legislative and prosecutorial engineering at its worst. This trend may also be

responsible for the overcrowded dockets.

The State Court has decided important Constitutional questions not settled by this Court. The State Court has also decided several paramount Constitutional questions in a manner in conflict with long lines of decisions of the Court. There are special and important reasons for the Court to grant the herein Petition for a Writ of Certiorari. R.Sup.Ct. 17.1(c).

First Amendment Freedoms

The Orders of the State Court exceed by far the prohibitions contained in the First Amendment. The State Court has left the secular realm and extended its jurisdiction into the realm of Spiritual phenomena - in direct contradiction to a long line of decisions of the Court. Wallace v. Jaffree, 53 U.S.L.W.4665, 4669 (U.S. Supreme Court, June 4, 1985); Wooley v. Maynard, 430 U.S. 705, 714-715

(1977).

Petitioner wrote letters. The Court has permitted State action which penalizes the exercise of First Amendment Rights - whether speech or expressive actions - in only a few well-defined classes of cases. The State action in the case at bar fits into none of those classes of cases.

The State action in the case at bar is a dubious intrusion affecting Petitioner's First Amendment Rights to practice religion, to be free from State compelled religious beliefs, to exercise speech and to petition. Thomas v. Collins, 323 U.S. 516, 530 (1945). This Court has held that "it is the character of the right, not of the limitation, which determines what standard governs the choice." Id. 323 U.S. at 530.

Obvious from the Record is the fact that the exercise of religion as well as

speech and petition "[were] ... essential part[s] of the occasion, unless all meaning and purpose were to be taken from it." Id. 323 U.S. at 534.

Assuming arguendo that Petitioner's letters contained religious exercise or speech not protected, the penalty must be taken to have rested on religious exercise and speech which is protected as much as on religious exercise and speech which is not protected. Therefore the Orders cannot stand. Thomas, supra, 323 U.S. at 541.

The State must demonstrate "a compelling state interest." N.A.A.C.P. v. Button, 371 U.S. 415, 439 (1963). One District Court has observed that the Court has applied an even higher standard: the State must demonstrate "the gravest abuses, endangering paramount interests." Nicholson v. Board of Commissioners of the Alabama State Bar

Association, 338 F.Supp. 48, 58 (D.C. M.D. Alabama, 1972), quoting Thomas, supra, 323 U.S. at 530. Applying any of these tests the Court has invariably looked inside the State interest not just at the outside shell, as it were.

Free Exercise Clause

To Petitioner's knowledge the court has never permitted state action which penalizes mere words stating only religious beliefs. See Cantwell v. Connecticut, 310 U.S. 296, 303 (1940). The Court separated expression of religious beliefs from prohibited secular actions which could be penalized by State action in United States v. Ballard, 322 U.S. 78, 88 (1944).

The State may not penalize a person for exercising his religious beliefs by refusing to perform expressive action required by the State. West Virginia State Board of Education v. Barnette, 319

U.S. 624 (1943). Federal Courts have applied this to the actions of a state bar association. Nicholson, supra, 338 F.Supp. at 58. One District Court has even applied this principle in a case in which the State would appear to have an almost overriding State interest - defense of the Nation. United States v. Sisson, 297 F.Supp. 902, 910 (D.C. Mass., 1969). The Government's case was dismissed on other grounds in United States v. Sisson, 399 U.S. 267, 270 (1970).

Many of the cases decided under the Free Exercise Clause appear to involve refusals on religious grounds to perform some word or act required by the State. Even where the person's religious practice was the event which caused a dilemma from which the person sought relief by seeking public benefits, the Court has held that the citizen is entitled to the public benefits. Sherbert v. Verner, 374

U.S. 398 (1963). Petitioner is not suing the State in order to obtain a public benefit, rather Petitioner has been sued by the State which has infringed a valuable property right or interest.

The Free Exercise Clause extends its protections to non-conventional religions and philosophies similar to religious beliefs. Sisson, supra, 297 F.Supp. at 905.

Shouldn't the Court make it clear that, under the Constitution, the State actions - not the private religious practices - are the exceptions?

Establishment Clause

Petitioner's action violates both the Free Exercise Clause and the Establishment Clause. See Barnette, supra and Lemon v. Kurtzman, 403 U.S. 602. (1971).

Three Justices of the present Court have expressed reservations about the Lemon test. Jaffree, supra, 53 U.S.L.W.

at 4673, 4677-78 (concurring opinion of O'Connor, J.); Id. at 4679 (dissenting opinion of Burger, C.J.); Id. at 4683-4686 (dissenting opinion of Rehnquist, J.). The issues which the case at bar raises demonstrates the shortcomings of the Lemon test. Many of the cases coming before the Court involve relatively peripheral matters, particularly economic issues. Jaffree, supra, 53 U.S.L.W. at 4679 (dissenting opinion of Burger, C.J.).

The leading Establishment Clause decisions have been concerned with facts quite different from the facts present in the case at bar. McCollum v. Board of Education, 333 U.S. 203 (1948); Everson v. Board of Education, 330 U.S.1 (1947); Board of Education v. Allen, 392 U.S. 236 (1968); Walz v. Tax Commission, 397 U.S. 664 (1970); Engel v. Vitale, 370 U.S. 421 (1962); Lemon, supra; Jaffree,

supra. Thus, the principles of law enunciated in those decisions are not easily transferable to the facts present in the case at bar.

Nevertheless, the Court has maintained the principle that "No person can be punished for entertaining or professing religious beliefs or disbeliefs." McCollum, supra, 333 U.S. at 210 (Black, J., delivering the opinion of the Court). Respondent's actions clearly violate that principle.

The statutory framework has an obstensibly secular purpose. However, the Order was based entirely on Petitioner's letters. Therefore, as interpreted and applied to Petitioner, Respondent's actions have a clearly religious purpose. Jaffree, supra, 53 U.S.L.W. at 4670; See Lemon, supra, 403 U.S. at 612-613; Cantwell, supra, 310 U.S. at 300. The Court found that the addition

of a single phrase "'or voluntary prayer'" was sufficient to indicate religious purpose and, impliedly coercion. Jaffree, supra, 53 U.S.L.W. at 4671. In the case at bar, it is not a single phrase but the entire circumstances which indicate a religious purpose and coercion.

Even if Respondent has expressed a secular purpose, it is not plausible given the evidence. See Jaffree, supra, 53 U.S.L.W. at 4670-4671. The Establishment Clause can be eroded in a myriad of subtle ways. Id. at 4671. The State action will not pass Constitutional muster if the secular purpose is merely a sham. Id. at 4672 (concurring opinion of Powell, J.); Id. at 4675 (concurring opinion of O'Connor, J.); Stone v. Graham, 449 U.S. 39 (1980).

Respondent's actions certainly have the effect of inhibiting Petitioner's

religion while advancing those religions which meet with the approval of Respondent. Estate of Thornton v. Caldor, Inc., 53 U.S.L.W. 4853, (United States Supreme Court, June 26, 1985); See Lemon, supra, 403 U.S. at 612-613; Jaffree, supra, 53 U.S.L.W. at 4670.

Respondent has used its immense power, prestige and financial resources to indirectly coerce Petitioner, conveying a message that it would be better if Petitioner practised another religion. Id. 53 U.S.L.W. at 4673-4674 (concurring opinion of O'Connor, J.); Lemon, supra, 403 U.S. at 616; Cf. California Motor Transport Co. v. Trucking Unlimited, 404 U.S. 508, 515 (1972). Respondent's insertion of itself into the religious controversy between Petitioner and the departments of government constitute "active involvement of the sovereign in religious activity."

See Walz, supra, 397 U.S. at 668; Lemon, supra, 403 U.S. at 612.

Under such circumstances, even sincere efforts to remain impartial towards various religions still violate the Establishment Clause. McCollum, supra, 333 U.S. at 207-210; See Jaffree, supra, 53 U.S.L.W. at 4668.

Respondent's action fosters an excessive government entanglement with religion. Lemon, supra. See Jaffree, supra.

The unwarranted extension of the State court's supervision over such matters as Petitioner's private letters establishes a system of evaluation and inspection which can only foster State entanglement with religion. Lemon, supra, 403 U.S. at 620-21.

Free Speech Clause

Respondent's actions violate the Free Speech Clause of the First Amendment of

the Constitution. Baird v. State Bar of Arizona, 401 U.S. 1 (1971) and Konigsberg, supra, 353 U.S. at 262, 273 are controlling. The First Amendment prohibits a State from denying a person admission to the practice of law because he holds certain beliefs. Baird, supra, 401 U.S. at 6-7; Konigsberg, supra, 353 U.S. at 273. The protection is equally present in the case of an attorney admitted to the practice of law. Cf. In Re Sawyer, 360 U.S. 622 (1959). The Court has held that views and beliefs are immune from bar association inquisition. Baird, supra, 401 U.S. at 8; Cf. Schneider v. State 308 U.S. 147, 164 (1939) (State cannot require a person to undergo a "burdensome and inquisatorial examination" in order to obtain permission to express beliefs and views). The Court held in Konigsberg that a State Bar cannot exclude a person from the practice

of law based on evidence that consists of political views and beliefs. Konigsberg, supra, 353 U.S. at 262; 273-274; Cf. Spevack v. Klein, 385 U.S. 511, 512, 514 (1967). The State Court should not be permitted to evade the Constitutional prohibitions by arranging for a psychiatrist to ask questions which they cannot ask, such State action being based on letters which themselves would not support a suspension Order. Moreover, since an examination by a psychiatrist is an invasion of privacy in addition to a penalty (when coupled with an Order threatening suspension) the burden the State must meet before requiring such an examination should be greater than the burden the State must meet before suspending an attorney's license.

The Court has held that the interest of the State in protecting the public against the solicitation of legal repre-

sentation is not sufficient to permit the State to penalize unions and other associations from exercising their First Amendment rights by associating with an attorney who represents their members. Brotherhood of Railroad Trainmen v. Virginia ex. rel. Virginia State Bar, 377 U.S. 1 (1964); Button, supra; United Mine Workers of America, District 12 v. Illinois State Bar Association, 389 U.S. 217 (1967). Similarly, the Court has held that the interest of the State in preserving itself - which is certainly a greater interest than the interest asserted in the case at bar - is not sufficient to penalize individuals for advocating violent overthrow. Dennis v. United States, 341 U.S. 494 (1951); Yates v. United States, 354 U.S. 298 (1957) [overruled as to the issue of Double Jeopardy in Burks v. United States, 437 U.S. 1, 18 (1978)]; Noto v. United

States, 367 U.S. 290 (1961); Brandenburg v. Ohio, 395 U.S. 444 (1969).

The broad State interest does not justify infringement of free speech in all classes of cases arguably coming within the purview of such broad interest. Mine Workers, supra 389 U.S. at 222; See Schneider, supra, 308 U.S. at 163.

An underlying rationale seems to be that State law has been interpreted to apply to and/or applied to cases outside the periphery of the original objective of the State law. Non-solicitation laws were enacted to avoid "ambulance chasing," not arrangements by trade unions or other associations to obtain legal representation in a more efficient and economical matter. See Button, 371 U.S. at 431, 434, 437-444. Sedition laws were enacted to prevent actual events, not the advocacy of other forms of government.

See Noto, supra, 367 U.S. at 297-298; Dennis 341 U.S. at 494, Cf. Yates, supra, 354 U.S. at 318. Breach of the peace laws were enacted to deter and punish actual breaches of the peace, not expressions of belief Brown, v. Louisiana, 383 U.S. 131, 151 (1966).

Therefore, the Court will examine the substance of the factual context not the form, "[for] a State may not, under the guise of prohibiting professional misconduct, ignore constitutional rights." Button, supra, 371 U.S. at 439; Mine Workers, supra 389 U.S. at 222. The standards by which the Court will examine the State action are strict in the area of free expression. Button, supra, 371 U.S. at 432; Yates, supra, 354 U.S. at 310. Moreover, the Court will consider factual contexts outside that of the case at bar in order to evaluate the effect of the State action. Button, supra, 371

U.S. at 432: In the case at bar, if Respondent is permitted to interpret and apply the statutory framework in the manner it does then many beliefs and views are in danger.

The danger must be more than "speculative" Mine Workers, supra, 389 U.S. at 223. The danger must not be "vague" Button, supra, 371 U.S. at 432-434. The danger must be "clear". Thomas, supra, 323 U.S. at 530. This test is also found in the second requirement of the Brandenburg test that the advocacy must be accompanied by efforts directed towards inciting or producing imminent violent overthrow. Brandenburg, supra, 395 U.S. at 447. Yates, supra, 354 U.S. at 318.

Furthermore, the speech or expressive action, in order to be penalized, must actually present a real danger to the State. Thus, Brandenburg added the third requirement that the advocacy and efforts

are likely to incite violent overthrow. Brandenburg, supra 395 U.S. at 447. Thus, the Court found the potential danger insufficient where there was "not one single instance of abuse, of harm to clients, of any actual disadvantage to the public or to the profession." Mine Workers, supra, 389 U.S. at 225. The Court applies a doctrine similar to proximate cause, as it were. See Schenck v. United States, 249 U.S. 47, 52 (1919); Brandenburg, supra, 395 at 450 (Concurring opinion of Douglas, J.).

Right to Petition Clause

The Right to Petition is "fundamental to the very idea of a republican form of government." U.S. v. Cruikshank, 92 U.S. 542, 552 (1875); Accord Webb v. Fury, 282 S.E. 2d 28, 34 (W.Va., 1981). The writing of letters to government officials is a "natural and proper" method for exercise of the Right to Petition.

Cf. Schneider, supra, 308 U.S. at 161. To penalize Petitioner for this would be "the very abuse of which engendered the struggle in England." Id. 308 U.S. at 164.

Respondent should not be permitted to penalize Petitioner's exercise of the Right to Petition merely because the statutory framework does in fact provide a helpful means of dealing with some matters within Respondent's competence. Mine Workers, 389 U.S. at 222. Interpretation and/or application of the statutory framework in such a way as to deprive Petitioner of the Right to Petition is not permissible under the Constitution. Eastern Railroad Conference v. Noerr Motor Freight, 365 U.S. 127, 139 (1961).

The dangers sought to be avoided by interpretation and/or application of the broad rules contained in the statutory framework as to Petitioner are "far too

speculative to justify the broad remedy invoked by the State." Mine Workers, supra, 389 U.S. at 222-223. Button, supra. The fact that Petitioner has represented himself competently conclusively proves from the Record that Petitioner is not "incompetent." The Record is devoid of any showing of any harm to any clients or to the public, past, present or prospective. Mine Workers, supra, 389 U.S. at 223-225; Button, supra, 371 U.S. at 443; Railroad Trainmen, supra,

The Petition Clause extends broad protection to communications to public officials. The protection extends to communications to all departments of government. Motor Transport, supra, 404 U.S. at 510. The protection extends to even massive and concerted efforts to influence the departments of government regardless of intent or purpose, even if

that intent or purpose is to destroy the business of competitors. Noerr, supra, 365 U.S. at 138, 140; United Mine Workers of America v. Pennington, 381 U.S. 657, 670 (1965). While the letters do not involve anti-trust issues, the principle in operation is evident. To penalize Petitioner would also "deprive the government of a valuable source of information." Noerr, supra, 365 U.S. at 139. Griswold v. Connecticut, 381 U.S. 479, 482 (1965).

The Court's concern in this area is to assure that all citizens have access to the departments of government. Noerr, supra, 365 U.S. at 144; Motor Transport, supra, 404 U.S. at 511, 515. The only exception to this principle is the "sham" exception fashioned by the Court in Motor Transport, supra 404 U.S. at 515. Petitioner's exercise of this right in no manner resembles the "sham" exception.

All persons written to or about had access to departments of government equal to if not much greater than Petitioner's access.

In fact, Respondent's initiation of legal proceedings against Petitioner can be viewed as a powerful, massive and concerted attempt by the State to limit Petitioner's access to the departments of government in the manner of the entrepreneurs in Motor Transport, supra.

Respondent has made certain innuendos that certain of Petitioner's letters contain "threats" and/or constitute unfair criticism of judicial candidates. The letters themselves negate this innuendo. For example, the letter to President Reagan dated December 21, 1984 contains this passage at page eight of the letter: "The churches and political authorities I contact by means of letters bear great responsibility. I cannot and

will not contact every single church and political authority, let alone every man and woman [in the entire world] by letter." See Respondent's Exhibits, letter to Reagan/Herrington, dated December 21, 1984 sent with cover to Reagan/-Herrington, of same date. The letters clearly were intended to be read together as an entirety -- along with the Old and New Testaments. This passage is inconsistent on its face with any "threat" against President Reagan or any other person within the meaning of the law. The passage reminds political and religious leaders of their responsibilities which they have assumed by becoming leaders.

Not to preserve this principle just discussed would be to invite the worst government possible. Petitioner's letters all supplied President Reagan and Judge Moore with information that Peti-

tioner sincerely believed they ought to have in their possession in order that the decisions of the Executive Branch and the Congress (not the Judicial Branch) would be the best possible.

There is no requirement that the Right to Petition be exercised in a polite or bland manner. Wood v. Georgia, 370 U.S. 375, 391 (1962); Thomas, supra, 323 U.S. at 536-537; See Cantwell, supra, 310 U.S. at 310. Nor should Petitioner's Freedom of Speech or Right to Petition be curtailed because Petitioner happens to be an attorney. Wood, supra, 370 U.S. at 393.

The Court has held that if a person's petitions contain "bad judgment" or "unsubstantiated charges" then the Constitutional method for exposing such defects is to use the various organs of communication, not to impose penalties. Id. 370 U.S. at 389.

Right to Privacy

The Orders, which all have the purpose of obtaining Petitioner's submission to an examination of his mental state, constitute an invasion of Petitioner's Right to Privacy. Griswold, supra; N.A.A.C.P. v. Alabama 357 U.S. 449 (1958); See Konigsberg, supra. The case at bar presents a stronger case for creation of a zone of privacy than Griswold, supra. Griswold concerned marital relations -- an activity not specifically mentioned in the Constitution. The case at bar concerns activities which are certainly specifically mentioned in the Constitution. As such, they create zones of privacy. Griswold, supra, 381 U.S. at 484.

The State action seeks to obtain from Petitioner information - "data" about Petitioner's mental state which will inevitably include "data" about Peti-

tioner's religious and political beliefs and views - which the State has no right to seek. Id. 381 U.S. at 483. N.A.A.C.P. v. Alabama, supra, 357 U.S. at 462. Moreover, the information sought doesn't really consist of facts.

Due Process Clause

The State Action violates the Due Process Clause. Konigsberg, supra, 353 U.S. at 262 (evidence does not rationally support grounds for rejection of application to practice law); Papachristou v. City of Louisville, 405 U.S. 156 (1972) (penalizes activities which are innocent).

Petitioner does not raise before the Court the issue that Petitioner was denied Due Process owing to the fact that there was no hearing whatsoever. Petitioner should not be subjected to an expensive and intrusive hearing when the "grounds" for the proceeding are based

entirely on protected practice of religion and speech.

However, other violations of Due Process occurred and Petitioner raises these issues.

The Colorado statutory framework is overly broad and vague - certainly as interpreted and applied to Petitioner. It permits a disability proceeding to be instituted and maintained based on conclusory and vague allegations. Papachristou 405 U.S. at 162; Cruikshank, supra, 92 U.S. at 558-559.

It fails to give attorneys notice that letters such as Petitioner's letters can provide grounds for questioning and examining the mental state of the attorney. Papachristou, supra, 405 U.S. at 162.

It fails to provide any standards for adjudicating Petitioner's mental state separate from his religious and political

beliefs. See Id. 405 U.S. at 170. It fails to incorporate any provisions for limiting the exercise of discretion in such a manner that important Constitutional liberties are protected. See Cleveland v. LaFleur, 414 U.S. 632, 650 (1974). The standards, if they are standards, are vague (e.g., "emotional infirmity"). See C.R.C.P. 241.19(a).

The State Court has ignored even what vague standards exist. The Colorado statutory framework specifies lack of "competency" in one place, see C.R.C.P. 241.19(a) and specifies "incapable" in another place, see C.R.C.P. 241.19(c). Respondent commenced the "disability proceeding" to determine if Petitioner is "suffering from some degree of impairment which makes him incapable of competently practicing law." See Respondent's "Petition" dated May 20, 1985 at 3. [Emphasis added]. The State Court stated that

Petitioner "is incapable of continuing to practice law." See Order, dated October 11, 1985. The State Court ignored the standard (element) of "competency", glossed over it, and failed to make any findings concerning it. Compare the Orders, dated August 29, October 11 and November 7, 1985. An Order based on a cause of action which fails to prove all the elements or standards to be applied in a cause of action violates Due Process. Thompson v. City of Louisville, 362 U.S. 199, 204 (1960).

Consequently, the Colorado statutory framework "permits and encourages an arbitrary and discriminatory enforcement of the law." Papachristou, supra, 405 U.S. at 170, La Fleur, supra, 414 U.S. at 640.

The Colorado statutory framework poses a great danger for an attorney who expresses controversial religious beliefs

and opinions. It has the potential to penalize speech that by modern standards would be innocent. See Papachristou, supra, 405 U.S. at 163. The Court's finding that the expression of religious and political beliefs and opinions can constitute grounds for a "disability proceeding" and an examination of Petitioner's mental state bears no rational relationship to the valid state interest of relgulating the practice of law. La Fleur, supra, 414 U.S. at 643; Konigsberg, supra, 353 U.S. at 262; See Thompson, supra, 362 U.S. at 204; Cf. Spevack, supra, 385 U.S. at 512, 514. Even if the State Court had rendered a finding the Court still has a duty to examine the evidence "to see whether it furnishes a rational basis for the characterization put on it by the lower Courts." Sawyer, supra, 360 U.S. at 628. There has been no cause of action fairly made. In Re

Oliver, 333 U.S. 257, 278 (1948).

Petitioner doubts the State Court read the letters in the light of the Old and New Testaments even though the letters make detailed references to such Books. See Respondent's Exhibits, letters to Reagan/Herrington, dated November 14 and December 21, 1984 sent with cover letter to Reagan/Herrington, dated December 21, 1984. Orders obstensibly based on evidence before the Court but which the Court did not consider cannot stand.

Burden of Proof

Respondent has shifted the burden of proof from itself to Petitioner in violation of the Due Process Clause of the Constitution. The burden of proof properly rests with the State plaintiff or prosecutor. Due Process requires this. Cf. Speiser v. Randall, 357 U.S. 513, 525-526 (1958); In re Winship, 397

U.S. 358, 369-372 (1970) (concurring opinion of Harlan, J.). State law requires this. See C.R.S. 13-25-127(1). Exchange National Bank v. Sparkman, 191 Colo. 534, 554 P.2d 1090 (1976). The statutory framework requires this. C.R.C.P. 241.19(e) (requiring Respondent to prove its case by "clear and convincing" evidence). This principle has been firmly imbedded in English and American Common Law since their beginnings. See McCormick, Evidence 799 n. 88 (2d ed. 1972).

The means by which Respondent reversed the burden of proof are not necessarily express or obvious. This basic, important protection for defendants can be eroded by a subtle combination consisting of summary Findings and Orders by the Court combined with certain prosecutorial tactics.

The use of the "show cause" procedure

results in a tacit shift in the burden. This tacit shift is bolstered by prosecutorial tactics. An example is the phenomenon of "mushrooming issues" in the case at bar. When directed by the State Court to respond to the issues raised by Petitioner, Respondent paid little if any attention to this directive, instead Respondent inserted new innuendos. An example is the "threat" innuendo conveyed by Respondent for the first time in its "'Response'", dated August 1, 1985, at 4, para 9. This characterization was, on its face, legal argument, not an allegation of fact, however, it conveyed an innuendo that for prudence's sake Petitioner objected to. The innuendo was improperly conveyed two months subsequent to the commencement of the "disability proceeding" in what was in effect the fifth "Petition" filed by Respondent. See also Petitioner's "Third Motion to

Strike," dated August 26, 1985 at 1-4, 16-17. The result is an ever-increasing burden on Petitioner. The final tactic is to structure the context for appeal to be as time-consuming, difficult, repetitive and expensive as possible.

Equal Protection Clause

Many citizens of the United States, including attorneys in Colorado, express diverse religious and political beliefs and views. To many persons many of these beliefs and views are incorrect, even incomprehensible. Nevertheless, the citizens who express such views are not taken to court. Petitioner has been singled out by Respondent, because of his religious and political beliefs and views, taken to court and penalized. Petitioner was denied important Constitutional protection as discussed herein, above, and similar protections contained in the Constitution of Colorado. See

Colorado Constitution, Art II, Sections 4, 10, 23, 24 and 25. The State action also was based in part on information obtained in violation of the Privacy Act of 1974. 5 U.S.C.552(a), etcetera. The State action was also contrary to national policy as contained in the Civil Rights laws, 42 U.S.C. 1983, for example. Such State action violates the Equal Protection Clause. Konigsberg, supra, 353 U.S. at 262; Brown, supra, 383 U.S. at 151 (concurring opinion of White, J.); See Id., 383 U.S. at 141-143 (opinion of the Court). The Record is also replete with instances wherein Petitioner was denied the protection of various State laws. For example, the State laws which govern procedure in disability cases are the Colorado Rules of Civil Procedure and the Colorado Rules of Evidence. C.R.C.P. 241.14(d). Sometimes these Rules were followed, sometimes they were not

followed. See, e.g. the discussion herein concerning the "mushrooming issues" in the section "Burden of Proof" of the "Argument." The Record strongly suggests that, after some point, the State Court ceased to apply the rules of procedure equally to Petitioner. Such State action violates the Equal Protection Clause.

One Man Inquisition

The problem that the use of "experts" in the process of adjudication poses is that the adjudicative function may be abdicated and placed in the hands of the "expert" in violation of Due Process, the Jury Clauses and State law. See C.R.S. 13-70-102(1). Expert testimony may be necessary in a variety of areas. However, almost all expert testimony can be corroborated by external facts. This is not the case with psychiatric testimony which deals mostly with theory and

"data" that has no physical embodiment. Permitting the prosecution to require psychiatric examination of a defendant when the defendant uses psychiatric testimony as a defense in a criminal trial is one thing. Designating a psychiatrist as an inquisitor is quite another thing. Therefore, the case at bar presents a question similar to that posed in In re Oliver, supra, 333 U.S. at 264, but not reviewed. Also, when combined with a "jury" of judges -- because judges think differently from ordinary citizens -- great abuse is possible.

Review of Moot Orders

Even though the Orders of the State Court dated August 29, 1985 and October 11, 1985 have become moot it is still appropriate for the Court to review these Orders because they present issues "'capable of repetition, yet evading review'." Super Tire Engineering Co. v.

McCorkle, 416 U.S. 115, 122 (1974); Accord, Moore v. Ogilvie, 394 U.S. 814 (1969); United States v. Trans-Missouri Freight Association, 166 U.S. 290, 307-309 (1897); Southern Pacific Terminal Company v. I.C.C. and Young, 219 U.S. 498, 515 (1911).

DATED this 7th day of February, ANNO DOMINI, 1986.

(SIGNED)

Michael Brauer
2075 Crabtree Drive
Littleton, Colorado 80121
(303) 798-2515

Pro Se

APPENDIX

I. OPINIONS, ETCETERA, DELIVERED UPON RENDERING OF ORDER

There were none, except the Orders sought to be reviewed themselves.

II. OTHER OPINIONS, ETCETERA

SUPREME COURT, STATE OF COLORADO

Case No. 85SA182

ORIGINAL PROCEEDING IN DISABILITY

ORDER

THE PEOPLE OF THE STATE OF COLORADO,

Complainant,

vs.

MICHAEL BRAUER,

Respondent.

Upon consideration of the Motion to Strike and the Motion to Quash Petition Because of Insufficiency of Service of Process filed by the Respondent and now being sufficiently advised in the premises,

IT IS THIS DAY ORDERED that the Motion to Strike shall be, and the same hereby is, Denied.

IT IS FURTHER ORDERED that the Motion to Quash shall be, and the same hereby is, Denied.

IT IS FURTHER ORDERED that the Respondent shall show cause no later than August 26, 1985, pursuant to May 23, 1985, Rule to Show Cause. (Copy attached)

BY THE COURT, AUGUST 12, 1985.

ENTERED, AUGUST 12, 1985.

SUPREME COURT, STATE OF COLORADO

Case No. 85SA182

Original Proceeding in Disability

ORDER OF COURT

THE PEOPLE OF THE STATE OF COLORADO,

Complainant,

vs.

MICHAEL BRAUER,

Respondent.

Upon consideration of the Second

Motion to Strike filed by the Respondent in the above cause, and now being sufficiently advised in the premises,

IT IS THIS DAY ORDERED that the relief requested in paragraph 2 of Respondent's Second Motion to Strike relating to Complainant's Response to Respondent's Motion to Strike, dated June 17, 1985, shall be, and the same hereby is, granted.

IT IS FURTHER ORDERED that the relief requested in paragraph 3 of Respondent's Second Motion to Strike relating to same Response shall be, and the same hereby is, denied.

BY THE COURT, JULY 30, 1985.

ENTERED July 31, 1985.

SUPREME COURT, STATE OF COLORADO

Case No. 85SA182

Original Proceeding in Disability

ORDER OF COURT

THE PEOPLE OF THE STATE OF COLORADO,

Complainant,

vs.

MICHAEL BRAUER

Respondent.

Upon consideration of the Notice and Correction of Typographical Error filed by the Respondent in the above cause, and now being sufficiently advised in the premises,

IT IS THIS DAY ORDERED that the extension requested in paragraph one shall be and the same hereby is, granted and the Brief in Support of the Motion to Strike shall be filed as of July 16, 1985.

BY THE COURT, JULY 30, 1985.

ENTERED JULY 31, 1985.

SUPREME COURT, STATE OF COLORADO

Case No. 85SA182

ORIGINAL PROCEEDING IN DISABILITY

ORDER OF COURT

THE PEOPLE OF THE STATE OF COLORADO

Complainant,

vs.

MICHAEL BRAUER,

Respondent.

Upon consideration of the Motion for Further Enlargement of Time to File Briefs in Support of Motion to Quash and Motion to Strike filed by the Respondent in the above cause, and now being sufficiently advised in the premises,

IT IS THIS DAY ORDERED that said Motion shall be, and the same hereby is, enlarged to permit filing of briefs by July 12, 1985.

BY THE COURT, JULY 2, 1985.

ENTERED JULY 3, 1985.

SUPREME COURT, STATE OF COLORADO

CASE NO. 85SA182

Original Proceeding in Disability

ORDER OF COURT

THE PEOPLE OF THE STATE OF COLORADO,

Complainant,

vs.

MICHAEL BRAUER,

Respondent.

Upon consideration of the Motion for Enlargement of Time to File a Brief in Support of the Motion to Quash and Motion to Strike filed in the above cause, and now being sufficiently advised in the premises,

IT IS THIS DAY ORDERED that said Motion shall be, and the same hereby is, granted, and the Brief in Support of the Motion to Quash and Motion to Strike shall be filed on or before Friday, June 28, 1985.

BY THE COURT, JUNE 19, 1985.

ENTERED JUNE 20, 1985.

SUPREME COURT, STATE OF COLORADO

Case No. 85SA182

Original Proceeding in Disability

ORDER OF COURT

THE PEOPLE OF THE STATE OF COLORADO,

Complainant,

vs.

MICHAEL BRAUER,

Respondent.

Upon review of the Motion to Strike and the Motion to Quash Petition Because of Insufficiency of Service of Process filed by the Respondent, and now being sufficiently advised in the premises,

IT IS THIS DAY ORDERED that the Complainant shall file a Response to the above motions on or before Monday, June 17, 1985.

BY THE COURT, JUNE 5, 1985.

ENTERED JUNE 5, 1985.

SUPREME COURT, STATE OF COLORADO

Case No. 85SA182

ORIGINAL PROCEEDING IN DISCIPLINE

RULE TO SHOW CAUSE

THE PEOPLE OF THE STATE OF COLORADO,

Complainant,

vs.

MICHAEL BRAUER,

Respondent.

THE PEOPLE OF THE STATE OF COLORADO TO MICHAEL BRAUER, GREETINGS:

You are hereby ordered and directed to appear in the Supreme Court of the State of Colorado within ten (10) days from the service hereof and answer in writing and show cause, if any you may or can have, why you should not be examined by a qualified medical expert to determine whether you are incapable of continuing to practice law by reason of mental infirmity.

Let a true copy of this rule, together with a copy of the petition herein be served upon you and each of you.

WITNESS, the Honorable William H. Erickson, Chief Justice of our Supreme Court, and the Seal of said Court, in the City of Denver, this 23rd day of May,

1985.

MAC V. DANFORD, Clerk

Colorado Supreme Court

Signed,

Linda L. Macias

Chief Deputy

ENTERED MAY 23, 1985.

SUPREME COURT, STATE OF COLORADO

Case No. 85SA182

ORIGINAL PROCEEDING IN DISABILITY

ORDER TO SHOW CAUSE

THE PEOPLE OF THE STATE OF COLORADO,

Complainant,

vs.

MICHAEL BRAUER,

Respondent.

Upon consideration of the Petition pursuant to C.R.C.P. 241.19(c) filed in the above entitled action and matter, and now being sufficiently advised in the premises,

IT IS THIS DAY ORDERED that a rule

to show cause issue out of this court commanding the respondent to answer in writing and show cause within ten (10) days from service of such rule why he should not be examined by a qualified medical expert to determine whether he (Brauer) is incapable of continuing to practice law by reason of mental infirmity.

IT IS FURTHER ORDERED that the Office of the Disciplinary Prosecutor shall represent the People of the State of Colorado in any hearing which may be necessary to determine whether respondent should be transferred to disability inactive status.

BY THE COURT, EN BANC, MAY 23, 1985.

ENTERED MAY 23, 1985.

III. ORDERS SOUGHT TO BE REVIEWED.

SUPREME COURT, STATE OF COLORADO

Case No. 85SA182

ORIGINAL PROCEEDING IN DISABILITY

ORDER OF COURT

THE PEOPLE OF THE STATE OF COLORADO,

Complainant,

vs.

MICHAEL BRAUER,

Respondent.

Upon consideration of the Motion for Reconsideration of the Order and Judgment filed by the Respondent in the above cause, and now being sufficiently advised in the premises,

IT IS THIS DAY ORDERED that said Motion for Reconsideration shall be, and the same hereby is, denied as moot.

BY THE COURT, NOVEMBER 13, 1985.

ENTERED NOVEMBER 14, 1985.

SUPREME COURT, STATE OF COLORADO

Case No. 85SA182

ORIGINAL PROCEEDING IN DISABILITY

ORDER OF COURT

THE PEOPLE OF THE STATE OF COLORADO,

Complainant

vs.

MICHAEL BRAUER,

Attorney-Respondent

Upon consideration of the Petition pursuant to C.R.C.P. 241.19(c), the Rule to Show Cause issued May 23, 1985, and the Order of Court dated October 11, 1985, and finding that the Respondent has not complied with the Order of October 11, 1985 by submitted [sic] to an examination by Dr. Frederick M. Miller and filing an affidavit with this Court indicating compliance with Order for medical examination, and now being sufficiently advised in the premises,

IT IS THIS DAY ORDERED that the Respondent, Michael Brauer, shall be, and he hereby is, transferred to disability inactive status until further Order of this Court.

BY THE COURT, NOVEMBER 7, 1985.

ENTERED NOVEMBER 8, 1985.

SUPREME COURT, STATE OF COLORADO

Case No. 85SA182

ORIGINAL PROCEEDINGS IN DISABILITY

ORDER

THE PEOPLE OF THE STATE OF COLORADO,

Complainant

v.

MICHAEL BRAUER,

Attorney-Respondent

Upon review of the file in this matter, it appears that on August 29, 1985, the respondent was ordered by this Court to submit to a medical examination by Dr. Frederick M. Miller on or before September 20, 1985; and

That respondent has filed a "Notice of Appeal" on October 1, 1985, in which he declines to submit to the ordered examination and gives notice that he intends to appeal the August 29, 1985 order of this Court to the United States Supreme Court; and

That Dr. Frederick M. Miller, by letter dated October 1, 1985, addressed to the Clerk of this Court, has confirmed that respondent has declined to submit to a psychiatric examination; and

That the petition of Committee Counsel and exhibits thereto establish cause to believe that the respondent is incapable of continuing to practice law by reason of mental or emotional infirmity or illness.

Therefore, on the Court's own motion, and pursuant to the Court's disciplinary and disability jurisdiction in all matters relating to the practice of law,

IT IS ORDERED that unless the respondent submits to a medical examination by Dr. Frederick M. Miller on or before October 31, 1985, and files an affidavit with this Court indicating compliance with our order for medical

examination before October 31, 1985, the respondent shall be transferred to disability inactive status without further hearing.

A copy of this order shall be served on respondent by mail.

BY THE COURT, October 11, 1985.

ENTERED OCTOBER 15, 1985.

SUPREME COURT, STATE OF COLORADO

Case No. 85SA182

Original Proceeding in Disability

ORDER OF COURT

THE PEOPLE OF THE STATE OF COLORADO,

Complainant,

vs.

MICHAEL BRAUER,

Respondent.

Upon consideration of the Motion for Reconsideration of the Order and Judgment filed by the Respondent in the above cause, and now being sufficiently advised in the premises,

IT IS THIS DAY ORDERED that said Motion for Reconsideration shall be and the same hereby is, Denied.

BY THE COURT, OCTOBER 3, 1985.

ENTERED OCTOBER 4, 1985.

SUPREME COURT, STATE OF COLORADO

Case No. 85SA182

Original Proceeding in Disability

ORDER OF COURT

THE PEOPLE OF THE STATE OF COLORADO

Complainant,

vs.

MICHAEL BRAUER

Respondent.

Upon consideration of the Demand for Jury Trial, Motion for Further Enlargement of Time, Answer, Motion to Dismiss for Failure to State a Claim, Brief in Support of Motion to Dismiss for Failure to State a Claim, Third Motion to Strike and Brief in Response to Complainant's Petition No. 5 filed by the Respondent,

and now being sufficiently advised in the premises,

IT IS THIS DAY ORDERED that the Demand for Jury Trial shall be, and the same hereby is, Denied.

IT IS FURTHER ORDERED that the Motion for Further Enlargement of Time shall be, and the same hereby is, Denied.

IT IS FURTHER ORDERED that the Motion to Dismiss for Failure to State a Claim shall be, and the same hereby is, Denied.

IT IS FURTHER ORDERED that the Third Motion to Strike shall be, and the same hereby is, Denied.

IT IS FURTHER ORDERED that the petition be granted in part, and that the Respondent submit to a medical examination by Dr. Frederick M. Miller, 4900 Cherry Creek Drive South #E, Denver, Colorado, (Phone #759-2332) on or before September 30, 1985. Respondent shall

make the appointment with Dr. Miller to permit this schedule to be met.

IT IS FURTHER REQUESTED that Dr. Miller file a written report of this medical examination with this Court on or before October 15, 1985.

BY THE COURT, EN BANC, AUGUST 29, 1985.

ENTERED AUGUST 30, 1985.

IV. OTHER MATERIALS

Provisions of U.S. Constitution

U.S. Const. Amend. 1.

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

U.S. Const. Amend. 5.

"... nor shall any person ... be

deprived of life, liberty, or property, without due process of law; ...".

U.S. Const. Amend. 6.

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, ...".

U.S. Const. Amend. 7

"In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law."

U.S. Const. Amend. 14, Section 1

" ... nor shall any State deprive any person of life, liberty, or property,

without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.****".

Federal Privacy Act of 1974 5 U.S.C. 552 et. seq.

5 U.S.C. 552(a)

"Public information; agency rules, opinions, orders, records, and proceedings. (a) Each agency shall make available to the public information as follows: [provisions follow which do not apply to Petitioner's letters and statements]****".

5 U.S.C. 552(b)(7)(B) and (b)(7)(C)

"Public information; agency rules, opinions, orders, records, and proceedings.*** (b) This section does not apply to matters that are-- *** (7) investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (B) deprive a person of a right to a fair

trial or an impartial adjudication, (C) conscitute an unwarranted invasion of personal privacy, ****".

5 U.S.C. 552a(b)

"Records maintained on individuals*** (b) Conditions of disclosure. - No agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless disclosure of the record would be-- *** [exceptions which do not apply]."

Federal Civil Rights Statute 42 U.S.C. 1983

42 U.S.C. 1983

"Civil action for deprivation of rights. Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Terri-

tory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia."

Provisions of the Colorado Constitution

Colorado Const. Art. II, Section 4

"Religious freedom. The free exercise and enjoyment of religious profession and worship, without discrimination, shall forever hereafter be guaranteed; and no person shall be denied any civil or political right, privilege or capa-

city, on account of his opinions concerning religion; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness or justify practices inconsistent with the good order, peace or safety of the state. No person shall be required to attend or support any ministry or place of worship, religious sect or denomination against his consent. Nor shall any preference be given by law to any religious denomination or mode of worship."

Colorado Const. Art. II, Section 10

"Freedom of speech and press. No law shall be passed impairing the freedom of speech; every person shall be free to speak, write or publish whatever he will on any subject, being responsible for all abuse of that liberty; and in all suits and prosecutions for libel the truth

thereof may be given in evidence, and the jury, under the direction of the court, shall determine the law and the fact."

Colorado Const. Art. II Section 23

"Trial by jury - grand jury. The right of trial by jury shall remain inviolate in criminal cases; but a jury in civil cases in all courts, or in criminal cases in courts not of record, may consist of less than twelve persons, as may be prescribed by law. Hereafter a grand jury shall consist of twelve persons, any nine of whom concurring may find an indictment; provided, the general assembly may change, regulate or abolish the grand jury system; and provided, further, the right of any person to serve on any jury shall not be denied or abridged on account of sex, and the general assembly may provide by law for the exemption from jury service of persons or classes of persons."

Colorado Const. Art. II, Section 24

"Right to assemble and petition. The people have the right peaceably to assemble for the common good, and to apply to those invested with the powers of government for redress of grievances, by petition or remonstrance."

Colorado Const. Art. II, Section 25

"Due process of law. No person shall be deprived of life, liberty or property, without due process of law."

Colorado Revised Statutes

C.R.S. 13-25-127(1)

"Civil actions - degree of proof required. (1) Any provision of the law to the contrary notwithstanding and except as provided in subsections (2) and (3) of this section, the burden of proof in any civil action shall be by a preponderance of the evidence. The provisions of this subsection (1) shall not apply to the burden of proof required in determining

the validity of any legislative enactment.****".

C.R.S. 13-70-102(1)

"Number of jurors. (1) The jury shall consist of six persons, unless the parties agree to a smaller number, not less than three.****".

Colorado Rules of Civil Procedure

C.R.C.P. 38 (a) and (b)

"Jury Trial of Right. (a) Where Jury Right Exists. Upon demand, in actions for the recovery of specific real or personal property, with or without damages or for money claimed as due on contract, or as damages for breach of contract, or for injuries to person or property, an issue of fact must be tried by a jury. However, after demand a jury trial may be waived by stipulation of the parties.

(b) Demand. Any party may demand a trial by jury of any issue triable by a jury by serving upon the other parties a

demand therefor in writing at any time after the commencement of the action and not later than ten days after the service of the last pleading directed to such issue. Such demand may be endorsed upon a pleading of the party.****".

C.R.C.P. 121, Section 1-15

"Determination of Motions. 1. All motions involving contested issues of law shall be supported by a recitation of legal authority either incorporated into the motion or set forth in a separate memorandum brief.****".

C.R.C.P. 241.1

"Discipline and Disability: Policy - Jurisdiction. (a) Statement of Policy. All members of the Bar of Colorado, having taken an oath to support the Constitution and laws of this state and of the United States, are charged with obedience to those laws at all times. As officers of the Supreme Court of Colo-

rado, lawyers must observe the highest standards of professional conduct. A license to practice law is a proclamation by this Court that its holder is a person to whom members of the public may entrust their legal affairs with confidence that the lawyer will be true to that trust, that he will hold inviolate the confidences of his client, and that he will competently fulfill the responsibilities owed to his client and to the courts.

In order to maintain the highest standards of professional conduct, lawyers who have demonstrated that they are unable, or are likely to be unable, to discharge their professional responsibilities shall be subject to appropriate disciplinary or disability proceedings.

(b) Jurisdiction. Every lawyer licensed to practice law in the State of Colorado is subject to the disciplinary and disability jurisdiction of the

Supreme Court in all matters relating to the practice of law. Every lawyer specially admitted to practice law in this state pursuant to C.R.C.P. 221 or C.R.C.P. 221.1 is subject to the disciplinary and disability jurisdiction of the Supreme Court for conduct related to that proceeding."

C.R.C.P. 241.2(a)

"Grievance Committee. Grievance Committee. The Grievance Committee of the Supreme Court of the State of Colorado (hereinafter Committee) is hereby established. The Committee shall serve as a permanent committee of the Supreme Court.****".

C.R.C.P. 241.3(a)

"Committee Counsel. (a) Committee Counsel. The Committee shall appoint a Committee Counsel, subject to the approval of the Supreme Court.

The Committee Counsel shall serve at

the pleasure of the Committee and of the Supreme Court.****".

C.R.C.P. 241.3(c)(5)

"Committee Counsel *** (c) Powers and Duties of the Committee Counsel. The Committee Counsel shall: ***

(5) In cooperation with the Disciplinary Prosecutor, prepare and forward matters to the Committee for the commencement of disciplinary or disability proceedings; and ****".

C.R.C.P. 241.4(a)

"Disciplinary Prosecutor. (a) Disciplinary Prosecutor. The Supreme Court shall appoint a Disciplinary Prosecutor. The Disciplinary Prosecutor shall serve at the pleasure of the Supreme Court.****".

C.R.C.P. 241.4(c)(3)

"Disciplinary Prosecutor *** (c) Powers and Duties. The Disciplinary Prosecutor shall: ***

(3) Prepare and prosecute disciplinary and disability actions against lawyers as provided by these Rules; ****.

C.R.C.P. 241.14(d)

"Hearings Before the Hearing Board *** (d) Procedure and Proof. Hearings shall be conducted in conformity with the Colorado Rules of Civil Procedure, the Colorado Rules of Evidence, and the practice in this state in the trial of civil cases; provided, however, that proof shall be by clear and convincing evidence, and provided further that the respondent may not be required to testify or to produce records over his objection if to do so would be in violation of his constitutional privilege against self-incrimination.

In the course of proceedings conducted pursuant to this Rule, the Chairman, the Vice-Chairman, and the presiding officer of the hearing board, acting

pursuant to and in conformity with these Rules, shall have the power to administer oaths and affirmations.

A complete record shall be made of all depositions and of all testimony taken at hearings before a hearing board.****".

C.R.C.P. 241.19

"Disability Inactive Status. (a) Disability Inactive Status. Where it is shown that a lawyer is unable to fulfill his professional responsibilities competently because of mental or emotional infirmity or illness, including addiction to drugs or intoxicants, the lawyer shall be transferred to disability inactive status. During such time as a lawyer is on disability inactive status he shall not engage in the practice of law.

All proceedings conducted pursuant to these Rules pending against a lawyer at the time he is transferred to disability

inactive status shall be deferred until such time as the lawyer is found to be eligible for reinstatement as provided by C.R.C.P. 241.23. Proceedings instituted against a lawyer pursuant to this Rule are disability proceedings. Transfer to disability inactive status is not a form of discipline and does not involve a violation of the lawyer's oath.

(b) Transfer to Disability Inactive Status Without a Hearing. Where a lawyer who is subject to these Rules has been judicially declared mentally ill, or has been involuntarily committed to a mental hospital, or has voluntarily petitioned for the appointment of a guardian, or has been found not guilty by reason of insanity in a criminal proceeding in a court of record, the Supreme Court, upon proper proof of the fact, shall enter an order transferring the lawyer to disability inactive status. Such order shall remain

in effect until altered by the Supreme Court. A copy of the order transferring a lawyer to disability inactive status shall be served upon the lawyer and upon either his guardian or the superintendent of the hospital in which he is confined. Service shall be made in such manner as the Supreme Court may direct.

(c) Transfer to Disability Inactive Status Following a Hearing. Whenever any interested party shall petition the Supreme Court to determine whether a lawyer is incapable of continuing to practice law by reason of mental or emotional infirmity or illness, including addiction to drugs or intoxicants, or where the Supreme Court is informed that the lawyer in a proceeding conducted pursuant to these Rules is so incapacitated as to be unable to defend himself, the Supreme Court shall direct such action as it deems necessary or proper to

determine whether the lawyer is incapacitated, including an examination of the lawyer by qualified medical experts designated by the Supreme Court; provided, however, that before any medical examination or other action may be ordered the Supreme Court must afford the lawyer against whom disability proceedings are pending an opportunity to show cause why such examination or action should not be ordered. If, upon due consideration of the matter, the Supreme Court determines that the lawyer is incapable of continuing to practice law it shall enter an order transferring him to disability inactive status. Such order shall remain in effect until altered by the Supreme Court.

A lawyer against whom disability proceedings are pending shall be given notice of such proceedings. Notice shall be given in such a manner as the Supreme

Court may direct. The Supreme Court may appoint counsel to represent the lawyer if he is without adequate representation.

(d) Procedure When Lawyer Alleges Disability During Course of Proceedings. If in the course of proceedings conducted pursuant to these Rules the lawyer alleges disability by reason of mental or emotional infirmity or illness, including addiction to drugs or intoxicants, which impairs his ability to defend himself adequately in such proceedings or which impairs his ability to practice law, the Supreme Court shall enter an order transferring the lawyer to disability inactive status. Thereafter, the Supreme Court shall order a medical examination of the lawyer. Upon review of the report of the medical examination, the Supreme Court may either:

(1) Continue the order transferring the lawyer to disability inactive status;

or

(2) Enter any other appropriate order, including an order directing further examination of the lawyer, and defer the proceedings pending against the lawyer; or

(3) Discharge the order transferring the lawyer to disability inactive status and order that the proceedings pending against the lawyer be resumed. In no event shall the lawyer be reinstated to practice law pending the final disposition of the proceedings commenced pursuant to these Rules.

(e) Burden of Proof. In a disability proceeding seeking the transfer of a lawyer to disability inactive status the party petitioning for transfer shall bear the burden of proof by clear and convincing evidence.

(f) Hearing Before the Supreme Court. All hearings required by this

Rule may be delegated by the Supreme Court to the Committee for proceedings identical to those provided for by C.R.C.P. 241.14 and C.R.C.P. 241.15. At the conclusion of any such delegated proceedings, the hearing panel shall submit to the Supreme Court a report and recommendation.

(g) Compensation. The Supreme Court may fix the compensation to be paid to any legal counsel or medical expert appointed by the Supreme Court pursuant to this Rule. The Supreme Court may direct that such compensation be assessed as part of the costs of a proceeding held pursuant to this Rule and that it be paid as such in accordance with law."

C.R.C.P. 241.20(a)

"Proceedings Before the Supreme Court (a) Caption. Except as otherwise provided in C.R.C.P. 241.11(1), C.R.C.P. 241.11(2), and C.R.C.P. 241.15(b)(1), all

disciplinary and disability proceedings filed in the Supreme Court as herein provided shall be conducted in the name of the People of the State of Colorado and shall be prosecuted by the Disciplinary Prosecutor.

In those cases where the hearing panel recommends discipline of the respondent by the Supreme Court or the transfer of the lawyer to disability inactive status, the Committee Counsel shall promptly file with the Clerk of the Supreme Court the hearing panel's report and recommendation, together with the complaint and answer. Thereupon, the matter shall be docketed by the Clerk as:

SUPREME COURT, STATE OF COLORADO

Case No.

ORIGINAL PROCEEDING IN DISCIPLINE

THE PEOPLE OF THE STATE OF COLORADO,

Complainant,

vs.

_____.

Respondent._____

****".

C.R.C.P. 241.25(d)(3)

"General Provisions.***(3) "Disability Proceedings. The Supreme Court, in its discretion, may order the lawyer to bear the cost of all or any part of the disability proceedings, including the cost of any examinations ordered by the Court.****".

Colorado Rules of Criminal Procedure

C.R.Cr.P. 23(a)(1) and (2)

"Trial by Jury or by the Court (a) Trial by Jury.

(1) Every person accused of a felony or a class 1 misdemeanor has the right to be tried by a jury of twelve.

(2) In matters involving misdemeanors other than class 1 misdemeanor, the accused is entitled to be tried by a jury of six.***

(8) All jury verdicts must be unanimous."

Statement of Facts - Federal Questions Raised

The abbreviations below, which are used to cite to the place in the Record where the quotations (from the record which demonstrate Petitioner raised the federal questions sought to be reviewed) are found, pertain to the following pleadings, Motions and other documents filed by Petitioner:

1. Motion to Strike (Special Appearance), dated June 3, 1985. M/Strike.

2. Motion For Further Enlargement of Time (Motion to Strike), dated June 28, 1985 [with legal argument as permitted by C.R.C.P. 121, Section 1-15]. M/FEnlarge.

3. Brief In Support of Motion to Strike, dated July 16, 1985. Brief/ M/Strike.

4. Answer, dated August 26, 1985.

Answer.

5. Third Motion to Strike, dated August 26, 1985. 3M/Strike.

6. Motion to Dismiss For Failure to State A Claim, dated August 26, 1985. M/Dismiss.

7. Brief In Support of Motion to Dismiss For Failure to State A Claim, dated August 26, 1985. Brief/M/Dismiss.

Note: Within the quotations the parties here are referred to as they were captioned in the State Court proceeding. In parenthetical comments contained within brackets and citations the parties here are referred to as they are captioned in the herein Petition.

Questions 1, 2 and 3 (Free Exercise, Establishment, Speech and Petition)

1. "The pure exercise of religion, speech and petition, without more, is not subject to the jurisdiction of any court****". M/Strike at 2, para. 1.

2. "Complainant has not responded to or cited any legal authority opposing Respondent's assertion of the fundamental rights contained in the First Amendment Freedoms." M/FEnlarge at 3, para. 4.

3. "TABLE OF CONTENTS ...

INTRODUCTION ... FREE EXERCISE CLAUSE ... I. The allegations only describe protected expressions of religious beliefs and opinions ... II. The allegations do not describe unprotected advocacy, unprotected overt acts or other unprotected expressions of religious beliefs and opinions ... III. The allegations are vague and conclusory ... IV. The Free Exercise Clause protects expressions of religious beliefs and opinions by nonconforming individuals as well as such expressions by members of orthodox denominations ... V. The allegations are highly prejudicial to Respondent ... ESTABLISHMENT CLAUSE ... VI. The Colorado

statutory framework, as written, interpreted, or applied impermissibly advances conforming religious beliefs and opinions and inhibits non-conforming religious beliefs and opinions such as Respondent's ... FREE SPEECH CLAUSE ... VII. The allegations do not describe unprotected advocacy, unprotected overt acts or other unprotected speech ... IMMATERIALITY AND REDUNDANCY OF TRAVELOGUE ... VIII. The allegations of the "Travelogue" consists of hearsay ... IX. The allegations of the "Travelogue" are redundant ... X. The allegations of the Travelogue" are highly prejudicial to Respondent ... FUTILITY OF COERCION ... XI. The Petition and this Alleged Proceeding are self-defeating because they invite civil disobedience". Brief/M/Strike at 2. [page numbers deleted].

4. "The Petition is patently, and on its face, frivolous, groundless and

unconstitutional as being grossly and unabashedly violative of the fundamental and clearly defined Freedoms of Religion, Speech and Petition contained in the First Amendment...". Answer at 3, 5th Defense.

5. "Such expressions of religious and political beliefs and opinions are protected by the First Amendment Freedoms." M/Strike at 5, para. 7.

6. "Respondent has shown cause ... demonstrating to the Court that the action at Bar is based on mere written and verbal statements of Respondent's religious and political beliefs which are protected ... 'Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of griev-

ances';" M/Dismiss at 1-2, para. 2.

7. "This was so even though the above cases, unlike this action, did not involve issues of First Amendment Freedoms. Even the Supreme Court of Colorado has to obey the law of the land." Brief/M/Dismiss at 3.

Question 4 (Right to Privacy)

8. "The Court may not require Respondent to subject himself to violation of ... and to the invasion of the more recent freedom of privacy which an examination of his mental state entails on the pretext that such requirement is no more than merely asking 'questions'." M/FEnlarge at 9, para. 16.

9. "Religious beliefs and opinions are not capable of adjudication. Legal proceedings which attempt to ground a cause of action on expressions of religious beliefs and opinions ... invariably require an examination of

those beliefs and opinions. The First Amendment Freedoms prohibit such an examination." Brief/M/Strike at 4 [Emphasis in original].

10. "...Complainant makes further false allegations - characterizing Complainant's attempt to force Respondent to undergo an examination of his mental state and/or suspending Respondent's license to practice law as de minimus. Respondent is not a movie star for whom psychoanalysis or other form of psychological examination is a faddish thrill to be indulged in as often as possible." 3M/Strike at 11, para. 16.

11. "No Court in the land has the right or jurisdiction to restrict the liberty of any person by requiring a person to submit to an examination of that person's mental state because of that person's written and/or verbal expressions of religious and/or political

beliefs and opinions." M/Dismiss at 5, para. 6.

12. "The opinions cited above [U.S. Supreme Court opinions as a matter of Constitutional law and state court cases as matter of common law] contain the express acknowledgement that a person's religion is not the business of anyone else...". Brief/M/Dismiss at 9.

Question 5 (Procedural and Substantive Due Process)

13. [5(a)]. "The entire statutory framework ... is generally overbroad and as specifically applied to Respondent violates the Due Process Clause...". M/Strike at 3-4, para. 3.

14. [5(b)]. "The Due Process Clause ... C.R.C.P. 12(f) ... both combined with C.R.C.P. 241.19(e), require that each separate concept contained in the Petition must be proved by clear and convincing evidence ... This is in addition to

the burden of proof that Complainant bears to prove his case in chief and in general by clear and convincing evidence" M/Strike at 11, para. 8(b). [Emphasis in original].

15. [5(c)]. "The rambling narrative of the Petition ... appears only to allude to and gives the impression that Respondent has done "something sinister" or "something insane," according to the minds of Committee Counsel ... without stating what that 'something sinister' or 'something insane' is. The names of supposedly 'impressive' and 'responsible' persons appear in the Petition, including the mysterious and dreaded SECRET SERVICE, the identity of whose agent or agents for reasons 'which unfortunately remain unseen' [ironically quoting an excerpt from Respondent's "Petition"] must be kept a mystery. Respondent's response in layman's terms, to the Peti-

tion under these grounds in this Motion is: 'So What?'." M/Strike at 7-8, para. 5(d).

16. [5(d)]. Same excerpt as [5(a)], above. M/Strike at 3-4, para. 3.

17. [5(e)]. Same excerpt as [5(c)], above. M/Strike at 7-8, para. 5(d).

18. [5(f)]. "[It] is apparent on the face of the Petition that [the allegations] ... create the mere impression that Respondent is 'suffering from some degree of mental impairment'." M/Strike at 8, para. 5(e).

19. [5(f)]. Also, same excerpt as [5(c)], above. M/Strike at 7-8, para. 5(d).

20. [5(a)]. "The First Amendment Freedoms prohibit the expression of religious and political beliefs, without more, from being the grounds for any type of legal proceeding and from being evidence in any type of legal proceed-

ing." M/FEnlarge at 5, para. 10.

21. [5(b)]. "C.R.C.P. 241.19(e) clearly states Complainant's Burden of Proof. The Rules cited by Complainant, namely C.R.C.P. 241.19(a) and (c) are not the operative provisions of the Rules with respect to the Burden of Proof...". M/FEnlarge at 17-18, para. 24.

22. [5(c)]. "[The] grounds that need to be shown to the [State] Court prior to the initiation of any such proceeding are probable cause, at the very least. Complainant has not alleged grounds which meet that standard." M/FEnlarge at 18-19, para. 24.

23. [5(d)]. "Respondent is unable to determine if the fourth sentence or last citation of paragraph 3 of the Response is an argument of law, an allegation of fact or a veiled threat of disciplinary action." M/FEnlarge at 8, para. 15.

24. [5(e)]. "The Travelogue [a term

used by Petitioner to describe certain portions of Respondent's "Petition"] consists entirely of hearsay...". M/FEnlarge at 5, para. 10.

25. [5(f)]. "Respondent objects to Complainant's practice of citing, as legal authority for his contention, cases which bear only a fleeting resemblance to the facts or law in the Alleged Proceeding. Such practice is prejudicial to Respondent, misleading to the Court and highly improper." M/FEnlarge at 3, para. 5 [Emphasis in original].

26. [5(f)]. Also, the same excerpt as 5(d), above. M/FEnlarge at 8, para. 15.

27. [5(g)]. "The Order and the Rule to Show Cause (which Respondent reiterates was void as process) merely required Respondent to answer in writing and show cause. Respondent did so in due time in Motions filed and reviewed by the [State]

Court, challenging Complainant's Petition, the Order, the Rule to Show Cause, and the entire statutory framework as being deficient as a matter of law on Constitutional and procedural grounds, owing to defective allegations, process, service of process, among other things." M/FEnlarge at 17, para. 23.

28. [5(a)]. To the best of Petitioner's knowledge "all applicable case law in the entire country on the issue of a person's mental state unanimously supports the principle of law that a person's belief in religion (also called the 'supernatural' and more quaintly 'spiritualism') does not constitute incompetency of any kind." M/Dismiss at 3, para. 1(h).

29. [5(b)]. "Pursuant to the Court's own Rule C.R.C.P. 241.19(e) the Burden of Proof is on Complainant [Respondent here] not on Respondent [Petitioner here]."

M/Dismiss at 3, para. 3.

30. [5(c)]. "Complainant has alleged no facts which support any cause of action. Respondent has demonstrated the fact that Constitutional and case law supports Respondent's defenses." M/Dismiss at 3, para. 3.

31. [5(c)]. "There being no factual grounds for this action and Respondent's religious beliefs and opinions not being subject to any examination by a 'qualified medical expert' or subject to adjudication in any Court of the land Respondent is at a loss to know what 'cause' he could 'show' other than what he has already shown." M/Dismiss at 5, para. 7.

32. [5(e)]. "Complainant's most recent 'theory' [raised by Respondent (i.e. Complainant below) for the first time two months after its commencement of the "disability proceeding" in "Complain-

ant's Response to Respondent's Brief In Support of Motion to Strike and to Respondent's Second Motion to Strike," undated but containing a "Certificate of Mailing" dated August 1, 1984 [sic]. This document was supposedly in "response" to Petitioner's earlier Motions] is that Respondent made a 'threat' against the President of the United States ... Prosecution of such an alleged 'threat' is not within the jurisdiction of Committee Counsel, Complainant or even this Court. There are no allegations that the United States Secret Service or the United States Justice Department are even concerned that a 'threat' was made ... only that certain agents conducted interviews with various people, including Respondent. If the U.S. Secret Service does not believe a 'threat' has been made, then what business is it of Committee Counsel,

Complainant or this Court?" M/Dismiss at 3-4, para. 4.

33. [5(f)]. Same excerpt as 5(e), above. M/Dismiss at 3-4, para. 4.

34. [5(a)]. "One never [to the best knowledge of Petitioner] finds a case wherein a court suspends or disbars an attorney for mental infirmity alone." Brief/M/Dismiss at 2.

35. [5(a)]. "Those courts realized that those who are religious -- no matter how reasonable, logical and methodical their methods of reasoning may be -- cannot be expected to prove the existence of certain supernatural phenomena and therefore, for this reason, should not be called to task in any way [simply] because such phenomena cannot be proven by human means alone." Brief/M/Dismiss at 9.

36. [5(b)]. Complainant must prove "by evidence beyond a reasonable doubt

and/or clear and convincing evidence to have committed an act of omission or misconduct in the representation of a client coupled with clearly-defined mental illness ... such is not the case in the case of Respondent and such has not even been alleged by Complainant." Brief/M/Dismiss at 2.

37. [5(c)]. "Complainant, and Committee Counsel, it seems, seem determined to charge Respondent with the fantastical, elementless crime -- to be decided without a jury as is required by the Constitution of the United States -- of 'threatening' the President or what-not on the grounds that the orange trees froze in Florida, while at the same time desperately attempting to obtain an examination of Respondent's mental state so as to provide some facts upon which to base this fantastical, elementless crime...". Brief/M/Dismiss at 12.

38. [5(d)]. Before courts penalize an attorney for incompetency due to mental disability there "is always incompetency plus well-defined mental illness." Brief/M/Dismiss at 3.

39. [5(f)]. Same excerpt as 5(c), above. Brief/M/Dismiss at 12.

Question 6 (Reversal of Burden of Proof)

40. Same as paragraph -- [5(b)] above. M/Strike at 11, para. 8(b).

41. "Respondent objects to Complainant's practice of citing, as legal authority for his contentions, cases which bear only a fleeting resemblance to the facts or law in this Alleged Proceeding. Such practice is prejudicial to Respondent, misleading to the Court and highly improper." M/FEnlarge at 3, para. 5.

42. "C.R.C.P. 241.19(e) clearly states Complainant's Burden of Proof. The rules cited by Complainant, namely

C.R.C.P. 241.19(a) and (c) are not the operative provisions of the Rules with respect to the Burden of Proof...". M/FEnlarge at 17-18, para. 24.

43. "[Because] C.R.C.P. 241.19(e) requires that Complainant satisfy a Burden of Proof which is the civil equivalent of the Burden of Proof in a criminal case; and because Committee Counsel, beyond any doubt, performs an office with regard to enforcement of Disciplinary Rules, identical to the role a District Attorney performs with regard to enforcement of criminal law, and because Committee Counsel has comported himself and does comport himself like a prosecuting attorney, the grounds that need to be shown to the Court prior to the initiation of any such proceeding are probable cause, at the very least." M/FEnlarge at 18-19, para. 24.

44. "(Initial and Subsequent Burdens

Not Met) ... there must be clear and convincing evidence." Answer at 6-7, 14th Defense.

45. "It is impossible for Complainant to meet its Burden of Proof...". Answer at 7, 15th Defense.

46. "...Complainant in all of his five versions continues to ignore the fact that it is not merely mental illness that Complainant must prove by clear and convincing evidence but also Complainant must prove that such mental illness impairs the attorney's competency to practice law." 3M/Strike at 15, para. 20.

47. "Pursuant to the Court's own Rule C.R.C.P. 241.19(e) the Burden of Proof is on Complainant not on Respondent." M/Dismiss at 3, para. 3.

48. Same excerpt as paragraph 36, above. Brief/M/Dismiss at 2.

49. Same excerpt as paragraph 37,

above. Brief/M/Dismiss at 12.

Question 7 ("One Man Inquisition")

50. "While there is provision for notice and a 'hearing' in the form principally of the examination by a 'medical expert,' such hearing is not really a hearing within the meaning of the Due Process Clause...". M/Strike at 3, para. 2.

51. "The purpose of this Alleged Proceeding is not to ask Respondent that particular question or to merely 'ask questions' on any subject. Rather the purpose is to subject Respondent to a far-reaching examination of his mental state, to probe the thoughts in his mind." M/FEnlarge at 7, para. 13.

52. "Nor should Committee Counsel be permitted to use such improperly initiated proceeding as a justification to go on a 'fishing trip' to uncover facts that might justify a proper proceeding."

M/FEnlarge at 16-17 para. 21.

53. "There being no facts alleged independent of Respondent's expressions of religious beliefs and opinions, an examination of Respondent would necessarily involve an examination only of Respondent's expressions of religious beliefs, either of themselves, or in relation to other events in Respondent's life. Both a 'qualified medical expert' examining Respondent and any trier of fact would face an analysis of secular and religious facts inextricably intertwined. Therefore, it fails the third of the three Lemon tests." Brief/M/Strike at 24.

54. "The Colorado Supreme Court, not being an Ecclesiastical Court, has neither jurisdiction over the person nor jurisdiction over the subject matter...". Answer at 2, 2nd Defense.

55. "...[The] Colorado Supreme Court,

acting as a Star-Chamber in this Alleged Proceeding, has neither jurisdiction over the person or jurisdiction over the subject matter...". Answer at 2, 3rd Defense.

56. "Respondent demands a trial by jury of twelve ordinary citizens ... [citing to] Vitek v. Jones, 445 U.S. 480 (1980) ... [and citing to] C.R.C.P. 38 [which provides for a trial by jury in civil actions]. Petitioner's "Demand For Jury Trial," dated August 26, 1985.

57. "It is common knowledge in the legal profession that prosecuting attorneys can always obtain a 'qualified medical expert' in the field of psychology who is willing to support the prosecution's case. Because of the Constitutional questions involved in this action, particularly the issue of religion, this circumstance makes the unfairness and injustice of such an examination

a foregone conclusion in violation of Respondent's Constitutional Rights." M/Dismiss at 5-6, para. 10.

58. "It is immaterial whether the inquisator is the Court itself, a hearing board or a 'qualified medical expert'; none of those can inquire into Respondent's religious activity, views or beliefs." Brief/M/Dismiss at 5.

Question 8 (Equal Protection Clause)

59. "[The] message said procedural and substantive framework sends to attorneys is this: 'if a person says he is God and/or criticizes politicians or others he will be accused of having a 'mental infirmity' and will have his license to practice law revoked." M/Strike at 3, para. 2.

60. "Respondent is unable to determine if the fourth sentence or last citation of paragraph 3 of the Response is an argument of law, an allegation of

fact or a veiled threat of disciplinary action. If it is a threat of disciplinary action then Respondent claims surprise and objects because the statement appears to have been made to punish Respondent for contesting the Petition." M/FEnlarge at 8, para. 15.

61. "And, because it [the statutory framework as written, interpreted and applied] is being used as a governmental instrumentality to separate the bad religions (Respondent's) from the good religions ('Bishop' Mote's, among others) it also violates the Establishment Clause. 'Bishop' Mote is certainly treated deferentially in the Petition, his name, title and name of church set forth in full even though the name of the church also appears in the exhibit. Respondent, on the other hand, is referred to in a patronizing manner in many places in Complainant's pleadings."

Brief/M/Strike at 20.

62. The State Action is "...a blatant, patent and outrageous act of religious persecution and political vendetta ... in violation of fundamental freedoms and rights contained in the same constitutional provisions described elsewhere in the Answer." Answer at 6, 10th Defense.

63. "President Reagan and other political and religious leaders ... receive ... thousands of letters ... which are no different from Respondent's communications to the President...". Answer at 9, 19th Defense.

64. "...[There] are hundreds of attorneys ... who hold religious beliefs that to a great many people are controversial and unbelievable...". Answer at 9, 20th Defense.

65. "Complainant will respond to this fact by saying other attorneys are not on

trial. That might be persuasive except for the Establishment Clause and the Equal Protection Clause of Section 1 of Article IV [sic] of the Constitution of the United States of America. Respondent is being singled out for reasons which are obvious." 3M/Strike at 14, para. 19.

66. "[This] circumstance makes the unfairness and injustice of such an examination a foregone conclusion in violation of Respondent's Constitutional Rights." M/Dismiss at 6, para. 10.

Certificate of Mailing

I, Michael Brauer, member of the Bar of the Supreme Court of the United States, hereby certify that I mailed the appropriate number of copies, as described below, of the foregoing Petition For Writ of Certiorari with Appendix by depositing said copies in a United States post office or mailbox, with first-class postage prepaid, properly addressed to the Clerk, Supreme Court of the United States, and to the counsel of record in the proceeding below for the captioned Respondent in said Petition, the State of Colorado, as set forth below, on this 7th day of February, 1986. Said Petition is timely filed within the 90 day time limit required by 28 U.S.C. Sec. 2101(c). R.Sup.Ct. 20.2.

40 copies, including one copy signed and containing the herein notarized Certificate of Mailing to:

Clerk,
Supreme Court of the United States
1 First Street, N.E.
Washington, D.C. 20543

Three copies to:

James P. Hollaway
Committee Counsel
Grievance Committee
Supreme Court, State of Colorado
600 17th Street, Suite 500 South
Denver, Colorado 80202

Three copies to:

Linda Donnelly
Disciplinary Prosecutor
Colorado Supreme Court
Supreme Court, State of Colorado
600 17th Street, Suite 510 South
Denver, Colorado 80202

Three copies to:

Duane Woodward
Attorney General, State of Colorado
State Services Building
1525 Sherman Street - 3rd Floor
Denver, Colorado 80203

Signed,

(SIGNED)
Michael Brauer
Member of the Bar of the
Supreme Court of the United
States

ACKNOWLEDGMENT

State of Colorado)
) s.s.
County of Arapahoe)

On this 7th day of February, A.D. 1986, before me, a Notary Public in and for said County and State, personally appeared Michael Brauer, the signer of the above CERTIFICATE OF MAILING, who duly acknowledged to me that he executed the same. WITNESS my hand and official seal the day and year first above written.

My Commission expires:

_____

_____
(SIGNED)

Notary Public

_____

_____
Address

Supreme Court, U.S.
FILED
MAR 7 1986
JOSEPH F. SPANIOL, JR.
CLERK

(2)

CASE NO. 85-1357

SUPREME COURT OF THE UNITED STATES

OCTOBER, 1985 TERM

MICHAEL BRAUER,
PETITIONER,

VS.

THE PEOPLE OF THE STATE OF COLORADO,
RESPONDENT.

ON WRIT OF CERTIORARI TO THE
SUPREME COURT, STATE OF COLORADO

SUPPLEMENTAL BRIEF

MICHAEL BRAUER
2075 CRABTREE DRIVE
LITTLETON, COLORADO 80121
(303) 798-2515

PRO SE
MEMBER OF THE BAR OF THE SUPREME COURT
OF THE UNITED STATES

This Supplemental Brief is filed with the Supreme Court of the United States (hereafter "the Court") pursuant to R.Sup.Ct. 22.6.

Petitioner is in receipt of a document dated February 20, 1986, transmitted to the Court and signed by James P. Hollaway, Counsel of record in the proceeding below for the captioned Respondent, the State of Colorado.

Said document, while it purports to "waive" Respondent's right to file a Brief In Opposition, contains legal argument in the form of a statement that should be dispositive of the case at Bar.

The admission that Respondent makes is, as follows: "[i]t is the respondent's position that the Colorado Supreme Court properly transferred ... [Petitioner] ... to disability inactive status following his claim of being Jesus Christ." This

admission is significant for at least four reasons.

First, the question before the Court is not to determine whether Petitioner is or is not Jesus Christ. The First Amendment to the Constitution of the United States prohibits the Court from making such a determination. United States v. Ballard, 322 U.S. 78, 86 (1944).

Second, my statement that I am Jesus Christ is, beyond any doubt, an expression of religious belief and practice. As is well known, the Gospel of Jesus Christ is centuries old. Therefore, Respondent has flatly and clearly admitted that it had a religious purpose and only a religious purpose in mind when it interpreted and applied the Colorado statutory framework against Petitioner, in direct contradiction to Wallace v. Jaffree, 53 U.S.L.W. 4665, 4666, 4670

(U.S. June 4, 1985), a case decided only six months prior to the decision of the State Court in the "disability proceeding." In Jaffree the Court found that the statement of a state senator that the state legislation in question was enacted as an "'effort to return voluntary prayer to our public schools'" Id. 53 U.S.L.W. at 4666, 4670, was the key determinant in that case. The statement of the state senator expressed a purpose for State action impermissible under the Establishment Clause. Respondent's admission is strikingly similar to the state senator's statement. The factual contexts are different; however, the principle is the same: State action done for religious reasons.

Third, the admission is a prime example of the manner in which Respondent denied Petitioner Due Process of law and Equal Protection of the law. See the

Petition for Writ of Certiorari (hereafter "Petition") at 64-75. After nine months of litigation, the filing of five versions of apparent "allegations" in the State Court by Respondent and the filing of a Petition for Writ of Certiorari in this Court by Petitioner, Respondent has finally decided the grounds upon which Respondent initiated the "disability proceeding" against Petitioner. Due Process requires that a prosecuting attorney and State Court determine the grounds for a complaint prior to the initiation of a proceeding, not after a Petition for Writ of Certiorari has been filed in the Supreme Court of the United States by a respondent.

Furthermore, said document purports to be a "waiver" of Respondent's right to file a Brief in Opposition. However, in the very next sentence following that

declaration Respondent makes the admission concerning Respondent's "position" quoted herein, above. Respondent's statement of its "position" is legal argument. Therefore, Respondent has attempted to file a document which it calls a "waiver" but which, in effect, is a Brief in Opposition unsupported with any statutes or case law. This example is typical of the manner in which Respondent has proceeded in its "case" against Petitioner. Petitioner has cited in his Petition numerous similar instances of misleading, flippant and otherwise questionable prosecutorial tactics in violation of Due Process and Equal Protection. See Petition at 124-143.

Fourth, said statement is an admission by Respondent that no sufficient grounds or probable cause existed for the various innuendos (including the "threat"

innuendo and the "criticism of judicial candidates" innuendo) which were directed against Petitioner by Respondent and which were so prejudicial to Petitioner. See Petition at 60-62, 130-133, 140-141.

DATED this 6th day of March, **ANNO DOMINI**, 1986.

Michael Brauer
2075 Crabtree Drive
Littleton, Colorado 80121
(303) 798-2515

Pro Se

Certificate of Mailing

I, Michael Brauer, member of the Bar of the Supreme Court of the United States, hereby certify that I mailed the appropriate number of copies, as described below, of the foregoing Supplemental Brief by depositing said copies in a United States post office or mailbox, with first-class postage prepaid, properly addressed to the Clerk, Supreme Court of the United States, and to the counsel of record in the proceeding below for the captioned Respondent, the State of Colorado, as set forth below, on this 7th day of March 1986.

40 copies, including one copy signed and containing the herein notarized Certificate of Mailing to:

Clerk,
Supreme Court of the United States
1 First Street, N.E.
Washington, D.C. 20543

Three copies to:

James P. Hollaway
Committee Counsel
Grievance Committee
Supreme Court, State of Colorado
600 17th Street, Suite 500 South
Denver, Colorado 80202

Three copies to:

Linda Donnelly
Disciplinary Prosecutor
Colorado Supreme Court
Supreme Court, State of Colorado
600 17th Street, Suite 510 South
Denver, Colorado 80202

Three copies to:

Duane Woodward
Attorney General, State of Colorado

In care of:
Cheryl J. Hanson
Assistant Attorney General
State Services Building
1525 Sherman Street - 3rd Floor
Denver, Colorado 80203

Signed,

_____

Michael Brauer
Member of the Bar of the
Supreme Court of the United
States

ACKNOWLEDGMENT

State of Colorado)
) s.s.
County of Arapahoe)

On this 6th day of March, A.D. 1986, before me, a Notary Public in and for said County and State, personally appeared Michael Brauer, the signer of the above CERTIFICATE OF MAILING, who duly acknowledged to me that he executed the same. WITNESS my hand and official seal the day and year first above written.

My Commission expires:

_____

_____

Notary Public

_____

_____

Address

Supreme Court, U.S.
FILED
APR 16 1986
JOSEPH F. SPANIOL, JR.
CLERK

(3)

No. 85-1357

In The
Supreme Court of the United States
October Term, 1985

MICHAEL BRAUER,
Petitioner,

vs.

THE PEOPLE OF THE STATE OF COLORADO,
Respondent.

BRIEF OF RESPONDENT IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF COLORADO

DUANE WOODARD
Attorney General

CHARLES B. HOWE
Deputy Attorney General

RICHARD H. FORMAN
Solicitor General

*BILLY SHUMAN
Deputy Attorney General

CHERYL J. HANSON
Assistant Attorney General

1525 Sherman Street,
3d Floor
Denver, Colorado 80203
Telephone: (303) 866-3611

*Counsel of Record

JAMES P. HOLLAWAY
Committee Counsel
Grievance Committee
Supreme Court
State of Colorado

600 Seventeenth Street
Suite 500 South
Denver, Colorado 80202

Attorneys for Respondent

COCKLE LAW BRIEF PRINTING CO., (800) 835-7427 Ext. 333

6 7 PP

ISSUES PRESENTED FOR REVIEW

1. Whether special and important reasons exist for the granting of a writ of certiorari in this case.

2. Whether the Colorado Supreme Court properly transferred petitioner to disability inactive status following his refusal to acknowledge its jurisdiction over his license to practice law and to comply with its orders.

TABLE OF CONTENTS

	Page
ISSUES PRESENTED FOR REVIEW	i
OPINIONS BELOW	1
JURISDICTION	1
APPLICABLE CONSTITUTIONAL PROVISIONS, STATUTES AND RULES	1
STATEMENT OF FACTS	1
ARGUMENT:	
I. NO SPECIAL AND IMPORTANT REASONS EXIST FOR THE GRANTING OF A WRIT OF CERTIORARI IN THIS CASE.	3
II. THE COLORADO SUPREME COURT PROPERLY TRANSFERRED PETITIONER TO DISABILITY INACTIVE STATUS FOLLOWING HIS REFUSAL TO ACKNOWLEDGE ITS JURISDICTION OVER HIS LICENSE TO PRACTICE LAW AND TO COMPLY WITH ITS ORDERS.	5
CONCLUSION	6

TABLE OF AUTHORITIES

Cases

	Page
District of Columbia Court of Appeals v. Feldman, 460 U.S. 462 (1983)	5
Florida Bar v. Penn, 351 So. 2d 979 (Fla. 1977)	5
Goldfarb v. Virginia State Bar, 421 U.S. 773 (1975)	5
In re Raskin, 307 Minn. 233, 239 N.W.2d 459 (1976)	5
In re Wicklund, 75 Wis. 2d 1, 248 N.W.2d 490 (1977)	5
Layne & Bowler Corporation v. Western Well Works, Inc., 261 U.S. 387, 393 (1923)	4
Magnum Import Company v. Francois Joseph de Spoturno Coty, 262 U.S. 159, 163 (1923)	4
Matter of Davis, 264 N.W.2d 371 (Minn. 1978), cert. denied, 439 U.S. 807 (1978), reh'g denied, 439 U.S. 960 (1978)	5
Middlesex County Ethics Committee v. Garden State Bar Association, 457 U.S. 423 (1982)	5
Rice v. Sioux City Cemetery, 349 U.S. 70, 74 (1955)	4
The People of the State of Colorado v. Michael Brauer, Colorado Supreme Court No. 85 SA 182 (Nov. 8, 1985)	1

Statutes

28 U.S.C. 1257(3) (1982)	1
Colo. Rev. Stat. 12-5-101 (1985)	1, 5

Rules

U.S. Sup. Ct. R. 17, 28 U.S.C. Appendix (1982)	1, 3
Colo. R. Civ. P. 241.1 through 241.26	1, 5

TABLE OF AUTHORITIES—Continued

Page

Colo. R. Civ. P. 241.19 2

Code of Professional Responsibility DR 1-103 2

CONSTITUTIONS

Colo. Const. art. VI, sec. 21 ..... 1, 5

OPINIONS BELOW

Petitioner seeks review of the order of the Colorado Supreme Court transferring him to disability inactive status in *The People of the State of Colorado v. Michael Brauer,* Colorado Supreme Court No. 85 SA 182, an original action in disability. The order was entered on November 8, 1985 and is reproduced in the Petitioner's Appendix at pp. 87-88.

JURISDICTION

Jurisdiction is asserted under 28 U.S.C. 1257(3) (1982) and the United States Constitution.

APPLICABLE CONSTITUTIONAL PROVISIONS, STATUTES AND RULES

U.S. Sup. Ct. R. 17, 28 U.S.C., Appendix (1982).

Colo. Const. art. VI, sec. 21.

Colo. Rev. Stat. 12-5-101 (1985).

Colo. R. Civ. P. 241.1 through 241.6. Pertinent provisions of rule 241 are reproduced in the Petitioner's Appendix at pp. 103-116.

STATEMENT OF FACTS

Petitioner was admitted to the bar of the State of Colorado on May 19, 1975. Petition at p. 20. In 1985 the Grievance Committee of the Colorado Supreme Court

(the "Committee") was contacted by the Clerk of the Colorado Supreme Court concerning information the court had received about Brauer from an attorney acting pursuant to Disciplinary Rule 1-103 of the Code of Professional Responsibility. The Code of Professional Responsibility of the American Bar Association is incorporated into Colorado's Rules of Civil Procedure as an appendix to its rules governing the admission and discipline of attorneys.

The Committee subsequently obtained copies of letters written by petitioner to various prominent persons, one of which letters was signed "I am the Lord." Letter to Bishop Mote dated March 18, 1985, attached hereto as exhibit A to the Petition in Disability, Respondent's Appendix A at pp. App. 4 through App. 5. The contents of such letters suggested that petitioner might have been suffering from a mental infirmity that could affect his ability to competently practice law. Several of such letters are attached hereto in an excerpt from the Supplement to Petition, Respondent's Appendix B at pp. App. 6 through App. 32.

Accordingly, an action in disability was instituted pursuant to Colo. R. Civ. P. 241.19 (Petitioner's Appendix at pp. 108 through 114), for the purpose of investigating whether Brauer was unable to fulfill his professional responsibilities because of mental or emotional infirmity or illness. Petition in Disability, Respondent's Appendix A at pp. App. 1 through App. 3. On May 23, 1985 the Colorado Supreme Court issued an Order requiring petitioner to show cause why he should not be examined by a qualified medical expert. Petitioner's Appendix at pp. 85 and 86.

Brauer, representing himself, filed an Answer on August 26, 1985. Respondent's Appendix C at pp. App. 33 through App. 46. In his Answer Brauer asserted as his first defense that he was "in fact Jesus Christ, God Almighty; therefore, no court on the face of the earth including the Supreme Court of the State of Colorado" had jurisdiction over him or subject matter relating to him. *Id.* at pp. App. 33-34. *See also,* his second, third, eleventh and twelfth defenses, *id.* at pp. App. 34 and App. 38. Throughout the disability proceedings petitioner repeatedly challenged the Colorado Supreme Court's jurisdiction over him and refused to submit to examination by either the court appointed physician or by any other psychiatrist. *See* the Notice of Appeal attached hereto as Respondent's Appendix D at pp. App. 47 through App. 50.

On November 8, 1985, the Colorado Supreme Court transferred petitioner to disability inactive status for failure to comply with its rules and orders. Petitioner's Appendix at pp. 87-88.

———o———

ARGUMENT

I.

NO SPECIAL AND IMPORTANT REASONS EXIST FOR THE GRANTING OF A WRIT OF CERTIORARI IN THIS CASE.

U.S. Sup. Ct. R. 17, 28 U.S.C., Appendix (1982), provides that review on writ of certiorari is discretionary with this court and will be granted only when there are

"special and important reasons" therefor. In determining whether "special and important reasons" exist, this court requires that the issues presented be of interest to the public, not just the parties. *Rice v. Sioux City Cemetery,* 349 U.S. 70, 74 (1955); *Layne & Bowler Corporation v. Western Well Works, Inc.,* 261 U.S. 387, 393 (1923). Certiorari jurisdiction is conferred upon this court "to bring up questions of importance which it is in the public interest to have decided by this court of last resort . . . not . . . merely to give the defeated party . . . another hearing." *Magnum Import Company v. Francois Joseph de Spoturno Coty,* 262 U.S. 159, 163 (1923).

The Colorado Supreme Court's decision to transfer petitioner to disability inactive status was based upon the specific facts in the underlying disability proceedings. Petitioner does not argue that the Colorado procedures governing disability actions are unconstitutional generally but challenges their application to circumstances peculiar to his case. He does not argue that disability actions against Colorado attorneys are never appropriate or that the existing procedures relating thereto are generally flawed. Rather, petitioner argues that the specific information that was brought to the attention of the Committee in his case was insufficient to permit the Colorado Supreme Court to investigate whether he was suffering from a mental infirmity which could affect his ability to practice law in Colorado. Petitioner argues that in spite of the overwhelming evidence, including his admission, that he has represented himself to be Jesus Christ, the religious nature of such representation absolutely prohibits the Colorado Supreme Court from inquiring into his mental state.

II.

THE COLORADO SUPREME COURT PROPERLY TRANSFERRED PETITIONER TO DISABILITY INACTIVE STATUS FOLLOWING HIS REFUSAL TO ACKNOWLEDGE ITS JURISDICTION OVER HIS LICENSE TO PRACTICE LAW AND TO COMPLY WITH ITS ORDERS.

This court has repeatedly recognized the significant state interests in maintaining and assuring the professional conduct of the attorneys it licenses. *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462 (1983); *Middlesex County Ethics Committee v. Garden State Bar Association*, 457 U.S. 423 (1982); *Goldfarb v. Virginia State Bar*, 421 U.S. 773 (1975). It is the state's duty to protect the public from attorneys who, because of a mental infirmity, may be unable to represent clients competently. *Matter of Davis*, 264 N.W.2d 371 (Minn. 1978), *cert. denied*, 439 U.S. 807 (1978), *reh'g denied*, 439 U.S. 960 (1978); *Florida Bar v. Penn*, 351 So. 2d 979 (Fla. 1977); *In re Wicklund*, 75 Wis. 2d 1, 248 N.W.2d 490 (1977); *In re Raskin*, 307 Minn. 233, 239 N.W.2d 459 (1976).

The Colorado Supreme Court has the authority and the duty to oversee the practice of law in the state for the protection of the public. Colo. Const. art. VI, sec. 21, attached hereto as Respondent's Appendix E, p. App. 51; Colo. Rev. Stat. 12-5-101 (1985), attached hereto as Respondent's Appendix F, p. App. 52. The court supervises licensed attorneys through its Grievance Committee pursuant to Colo. R. Civ. P. 241.1 through 241.26, pertinent provisions of which are included in the Petitioner's

Appendix at pp. 103 through 116. There is no question that the Colorado Supreme Court has jurisdiction to consider matters relating to the licenses of all attorneys, including petitioner, who are licensed to practice law in Colorado.

When it came to the attention of the Committee that petitioner had been representing himself to be Jesus Christ, the decision was made to inquire further into petitioner's mental health. Throughout the course of the proceedings petitioner refused to acknowledge the Colorado Supreme Court's jurisdiction over matters relating to his license and refused to cooperate in the court's investigation by submitting to a court ordered medical examination. In addition, the pleadings filed by petitioner in the disability proceedings were replete with statements which were further suggestive of petitioner's possible mental infirmity. *See* Respondent's Appendices C and D, at pp. App. 33 through App. 50. Under such circumstances, the court was compelled, in the interests of the public, to transfer petitioner to disability inactive status. Petitioner's Appendix at pp. 87 and 88.

CONCLUSION

Because the underlying state bar disability proceedings turned upon facts peculiar thereto and because the Colorado Supreme Court properly transferred petitioner to disability inactive status following his refusal to com-

ply with its orders, the petition for writ of certiorari in this case should be denied.

DATED this 16th day of April, 1986.

Respectfully submitted,

DUANE WOODARD
Attorney General

CHARLES B. HOWE
Deputy Attorney General

RICHARD H. FORMAN
Solicitor General

*BILLY SHUMAN
Deputy Attorney General

CHERYL J. HANSON
Assistant Attorney General

1525 Sherman Street,
3d Floor
Denver, Colorado 80203
Telephone: (303) 866-3611

*Counsel of Record

JAMES P. HOLLAWAY
Committee Counsel
Grievance Committee
Supreme Court
State of Colorado

600 Seventeenth Street
Suite 500 South
Denver, Colorado 80202

Attorneys for Respondent

RESPONDENT'S APPENDIX

CONTENTS

Page

A. Petition, *People of the State of Colorado v. Michael Brauer,* Colo. Supreme Court No. 85-SA-182 ..... App. 1

B. Excerpt from Supplement to Petition, dated May 22, 1985 ..... App. 6

C. Answer, dated August 26, 1985 ..... App. 33

D. Notice of Appeal, dated September 30, 1985 ..... App. 47

E. Colorado Constitution, Art. VI, sec. 21 ..... App. 51

F. Colo. Rev. Stat. 12-5-101 (1985) ..... App. 52

APPENDIX A

SUPREME COURT, STATE OF COLORADO

Case No. .....

ORIGINAL PROCEEDING IN DISABILITY

PETITION

THE PEOPLE OF THE STATE OF COLORADO,

Complainant,

vs.

MICHAEL BRAUER,

Respondent.

Complainant, through Committee Counsel, files this Petition pursuant to C.R.C.P. 241.19(c), and respectfully requests the Court to:

A. Order Michael Brauer to show cause why he should not be examined by a qualified medical expert to determine whether he (Brauer) is incapable of continuing to practice law by reason of mental infirmity; and

B. Order the Office of the Disciplinary Prosecutor to represent the People of the State of Colorado in any hearing which may be necessary to determine whether respondent should be transferred to disability inactive status.

As grounds, the following is submitted:

1. Michael Brauer, registration number 06320, was licensed to practice law in the State of Colorado on May 19, 1975. He is currently registered as "active" for 1985. His last registered business address is 2075 Crabtree Drive, Littleton, Colorado 80121; and his last registered residence address is the same.

2. Respondent is subject to the jurisdiction of the Colorado Supreme Court in these proceedings. C.R.C.P. 241.1(b).

3. On April 19, 1985, Committee Counsel received a brief memorandum from Mac V. Danford, Clerk of the Colorado Supreme Court, who reported that he had been contacted by Irvin Kent, Esq., on April 15, 1985. Mr. Danford reported that Mr. Kent advised him that he had been contacted by the United States Secret Service regarding letters written by Michael Brauer, respondent herein, to the President of the United States demanding that he appoint Brauer and Mr. Kent to the 10th Circuit Court of Appeals. Respondent signed at least one letter as "The Lord."

4. Committee Counsel subsequently contacted Mr. Kent and the secret service agent who had interviewed him in an effort to determine the outcome of the secret service agent's investigation. Because of the constraints of the Privacy Act, the secret service agent was unable to furnish a copy of either his report or the letters written by Mr. Brauer to the President.

However, the secret service agent was able to provide the original of a letter written by Mr. Brauer to Bishop James Mote of St. Mary's Anglican Catholic Church in Denver. The letter is attached to this Petition and made a part hereof as Exhibit A.

5. The secret service agent advised Committee Counsel that the letter to President Reagan was in many respects similar, especially in its characterization of the writer (respondent herein) as "The Lord." Moreover,

the secret service agent advised Committee Counsel that respondent, when interviewed, claimed he was God and admitted writing the letter to Bishop Mote and similar letters, which unfortunately remain unseen, to the President.

WHEREFORE, because it appears that respondent may be suffering from some degree of mental impairment which makes him incapable of competently practicing law, it is respectfully requested that this court order respondent to show cause why he should not be examined by a qualified medical expert to determine whether he (respondent) is incapable of continuing to practice law by reason of mental infirmity; and, order the Office of the Disciplinary Prosecutor to represent the People of the State of Colorado in any hearing which may be necessary in this proceeding.

DATED this 20th day of May, 1985.

Respectfully submitted,

/s/ James P. Hollaway, #11858
Committee Counsel
Colorado Supreme Court
Grievance Committee
190 East Ninth Avenue, Suite 440
Denver, Colorado 80203
Telephone: (303) 832-3701

MICHAEL BRAUER
2075 Crabtree Drive
Littleton, Colorado 80121

(303) 798-2515

March 18, 1985

PERSONAL AND CONFIDENTIAL

CERTIFIED MAIL/RETURN RECEIPT
#P 638-304-619

James Mote
St. Mary's Anglican Catholic Church
2290 South Clayton
Denver, CO 80210

Satan:

The greeting applies to the principal minister, named above, of the church. The greeting does not *yet* apply to the official/aide to whose attention this letter is sent.

February 28, 1985 passed and you did not obey me. March 1, 1985 was A Day of Judgment. I have done what I said I would do in my Letter dated December 21, 1984:

— I have condemned you, and those accessory to your decision, to hell forever.

— I have placed a curse upon you and upon your family to the last generation that will never be removed.

— I have placed a curse upon your church that will never be removed.

— All ministers, employees, and members (parishioners) of your church must leave your church within the time limits stated in my letter or suffer the same consequences.

— I have taken away all power and authority you received from me, if any you received.

You are now a child of Satan.

You are hereby notified that I have modified the second deadline which applies to Commands II and III *only* in my letter dated December 21, 1984. The old deadline was March 31, 1985. The new deadline is *May 7, 1985.*

I have changed the second deadline in order to honor the herdsman who believed and obeyed me and saw my Archangel on Monte Gargano, in Italy, in A.D. 494. And that is how I honor those who obey me!

I AM THE LORD.

This concludes my words,
/s/ Michael

APPENDIX B

SUPREME COURT, STATE OF COLORADO

Case No. .....

ORIGINAL PROCEEDING IN DISABILITY

SUPPLEMENT TO PETITION

THE PEOPLE OF THE STATE OF COLORADO,

Complainant,

vs.

MICHAEL BRAUER,

Respondent.

Complainant, through Committee Counsel, respectfully submits the attached Exhibits as a supplement to the Petition previously filed.

Dated this 22nd day of May, 1985.

Respectfully submitted,

/s/ James P. Hollaway #11858
Committee Counsel
Colorado Supreme Court
Grievance Committee
190 East Ninth Avenue, Suite 440
Denver, Colorado 80203
Telephone: (303) 832-3701

MICHAEL BRAUER
2075 Crabtree Drive
Littleton, Colorado 80121

November 23, 1984

PERSONAL AND CONFIDENTIAL

CERTIFIED MAIL/RETURN RECEIPT
#P555-285-709

Mr. John S. Herrington
Assistant to the President
The White House
Washington, D.C. 20500

Dear Mr. Herrington:

Thank you for your letters.

Please give my congratulations to President Reagan on the splendid victory.

After giving it some thought, I've finally decided what I want to do.

Of course, my first choice is to be head of the churches.

However, it is possible that ministers have become so corrupt by the empires which they have built up for themselves that they will follow the evil one and rebel at placing themselves under my authority.

In that event, I can't think of anything I would rather be than one of the Justices of the United States Supreme Court, should a vacancy occur.

This the President must do.

He must also prevail upon the Senators and the members of the press who will attend the confirmation hearing not to ask me any embarrassing questions. An example of such a question would be asking me what my relationship to the churches is. This *they* must not do. All of you know I am qualified for the position. The only ones who will object are followers of the evil one and they, of course, will be lying.

The last time I was turned down in a matter of this nature (August, 1984), the citrus industry in Florida was

decimated. From the orange trees learn their lesson. *Mark* 11:12-14; 11:20-23; *Matthew* 24:32.

Please show this letter to President Reagan. However, this time I desire to hear from President Reagan personally.

Keep this letter on a "Confidential-Need to Know" basis. Show only to those persons in whom you have *absolute* trust. Persons exist on both sides of the aisle and in the press who follow the evil one.

I can be reached weekdays during the day on my private line which is (303) 798-2515. If my answering service is engaged please leave a message anyway as I use it to manage my calls, and I may be able to get back with you in minutes. The best time to reach me is between the hours of 11:A.M.-5:00 P.M. (Washington, D.C. time).

Sincerely yours,
/s/ Michael

November 14, 1984

PERSONAL AND CONFIDENTIAL

CERTIFIED MAIL/RETURN RECEIPT
#P 638-304-609

Mr. John S. Herrington
Assistant to the President
The White House
Washington, D.C. 20500

Dear Mr. Herrington:

I have attended churches of different denominations, including the Roman Catholic Church, over a period of one year and eight months. I have closely observed most of the major television evangelists during the same period of time.

As the former general manager of an investment firm, I have been a keen observer of world-wide economic and political events. As an Attorney and Counselor at Law, I have been trained to be objective in my observations.

I've noticed a definite and unmistakable pattern.

— Ministers everywhere preach *my* thoughts.
— World-wide economic and political events are shaped by *my* thoughts.

That being so, I have a question for you: Who does that make me?

In the event I have stated this mystery too obscurely, I will tell you more and in a straightforward fashion.

— I have the power and authority to forgive sins and to cast into hell.

Who does that make me? As it is written, "the hour is coming when I shall no longer speak to you in figures but tell you plainly of the Father."

I would very much like to discuss this matter with you in person. We should arrange to meet in person as soon as possible. This will have to be at your expense. This is one telephone call you should return.

I can be reached during the day on my private line which is (303) 798-2515. If my answering service is engaged please leave a message anyway as I use it to manage my calls, and may be able to get back with you in minutes. The best time to reach me is between the hours of 11:00 A.M. - 5:00 P.M. (Washington D.C. time).

Sincerely yours,
/s/ Michael

December 21, 1984

PERSONAL AND CONFIDENTIAL

CERTIFIED MAIL/RETURN RECEIPT
#P 638-304-609

Mr. John S. Herrington
Assistant to the President
The White House
Washington, D.C. 20500

Dear Mr. Herrington:

I have received letters from three churches in response to my Letter of Initial Contact, dated November

14, 1984. I appreciate the responses. However, the letters avoid the real question which I presented to you.

The absence of real effort by the principals of the churches and the political authorities to seek me out and speak directly with me angers me, for I said,

> "Everyone who has heard and learned from the Father *comes to me.*" *John* 6:45.

And, *Luke* 11:31.

However, I am assuming that my children are too frightened or confused to know that their Father has returned.

I told you that I have the power and authority to forgive sins and to cast into hell. I have told a high ranking official of one of the churches that I am the person referred to in the Bible as the Counselor (also called the Comforter). The Counselor is the Holy Spirit made flesh. *John* 16:7-15. This is a gentle way of telling you that I am Jesus Christ.

I, the Lord, the first and with the last;

I am He.

And this is the close of the Age.

Does it confuse you that I continue to refer to myself and sign my name "Michael." It shouldn't. Michael is my new name. *Revelation* 2:17; 3:12-13; 19:12. Unlike other names, Luther, Augustine, John Paul II, which *you* have set up to worship, the name Michael appears several times in the Bible. *Daniel* 10:21; 12:1-4; *Jude* 9; *Revelation* 12:7-8. The Baptist's name was not Elijah either; yet, he was Elijah. *Matthew* 17:10-13. This was also done so the prophecy of I *Thessalonians* 4:16 would be fulfilled, that I would descend "with the Archangel's call."

I have returned to re-take possession of what is rightfully mine: ALL. The heavens and the earth, the sea and the fountains of water which I made, every person, every creature, everything every person possesses is mine. *Hebrews* 1:2; *Revelation* 5:11-12.

I have returned to take my rightful position as Head of all the churches who believe in and obey me. *Hebrews* 4:14.

I have returned to take my rightful position as Lord over all authority, political as well as religious, here on earth. *Revelation* 1:5; 2:26-29; *Hebrews* 2:8; 4:14.

I have returned to re-establish my Kingdom on earth, as it is in Heaven. *Matthew* 6:9-10.

I have immediate need of staff, income, houses, furnishings, equipment, transportation and sources of information, among other things.

I command you and all churches and political authorities to supply me with whatever I now or hereafter require, at your and their expense.

I command you, the principals of all churches and all political authorities to begin face to face meetings with me now in order to discuss how this will be accomplished.

My three immediate commands are, as follows:

I. The principals of the churches (including you) and political authorities *shall schedule and complete*, at their (your) expense, face to face meetings with me of sufficient duration to discuss these matters thoroughly, *no later than February 28, 1985.* The meeting with each principal will last at least one full day.

II. The principals of the churches (including you) and political authorities *shall no later than March 31, 1985,* publicly and explicitly,

— Acknowledge that I am Jesus Christ; and,

— believe in me as God, Lord and Savior; and,

— obey me.

Any response other than "Yes" or "No" will be deemed by me to be "No".

III. Each and every creature in Heaven and on earth, every man, woman and child *shall no later than March 31, 1985,* publicly and explicitly,

— Acknowledge that I am Jesus Christ; and,

— believe in me as God, Lord and Savior; and,

— obey me.

Any decision other than "Yes" or "No" will be deemed by me to be "No".

You must obey *all* my commands, including I, II and III above. You know full well the cup that my Father will pass to those who disobey me:

> "The blasphemy against the Spirit will not be forgiven." *Matthew* 12:31.

And pray that all of you have not already committed this folly.

If you do not obey me I will cast you into hell. I have noticed that some churches that call themselves "Christian" believe that hell does not exist or is only a state of mind. These beliefs are not true and are delusions. Hell is a real place that you, and those that follow you, will go to after death, if you do not obey me. *Matthew* 25:41; *Hebrews* 10:26-31; *Revelation* 20:11-15. If you disobey me there will also be terrible tribulation here on earth for the innocent and guilty alike such as the world has never experienced. Disobey me and you will each long to be a Jew in Auschwitz.

If I do not receive a response from you, in person and satisfactory to me, on or before the dates specified in Commands I and II above I will, *on the following day,*

— Cast you, and all those accessory to your decision into hell;

— Place a curse on your church in the United States that will never be removed;

— Command that all ministers and other employees of your church in the United States depart from your church within 180 days from that date or be cast into hell;

— Command that all members (parishioners) of your church in the United States depart from

your church within 30 days from that date or be cast into hell.

— Take away your power and authority to heal and all other power and authority you received from me, if any you received.

After I issue the above commands, there will be *no further opportunity of repentance* for those persons covered by the commands. Don't think that all this will happen instantly. But happen it will. Compare *Mark* 11:12-14; 20-21 (the next day) with *Matthew* 21:18-19 (instantly).

For each and every creature, man, woman or child who remains undecided or decides "No" to Command III above I will, *on the following day*,

— Cast that creature, man, woman or child and all those accessory to the decision into hell.

I cannot and do not promise that if you believe in and obey me that you will escape tribulation. Certain desolations were decreed long ago, which means they will occur no matter what you do. *Daniel* 9:26. The anger of my Father must run its course. *Jeremiah* 30:23-24; *Hebrews* 12:26. Assume that if you believe in me and obey me that you will still suffer great tribulations; perhaps, even World War III or worse. However, tribulation will be much easier with my guidance and physical presence. *John* 16:33. All I promise is that what has been written in my book, the Bible, will be fulfilled.

I must establish deadlines because if I did not you would all dilly-dally forever. However, it is not necessary for you to wait for the approach of the deadlines to schedule face to face meetings with me or to decide the ultimate questions. I urge you to obey me today.

"Today, when you hear his voice, do not harden your hearts as in the rebellion." *Hebrews* 3:14-15.

If you can decide "Yes" today then decide "Yes". If you can decide "No" today then decide "No". You do

not save yourselves by avoiding the question. *Revelation* 3:15-16.

My letters are not a request for spiritual counseling or prayer. I have no need to pray. I command. If I pray, it is to honor my Father. My letters contain an important message for the principals of the churches and political authorities to whom they are sent, as well as for all mankind. The President of the United States corresponds with me through one of his Assistants. One of the chief industrialists of the country, William K. Coors, Chairman of the Board of the Adolph Coors Company, personally corresponds with me. By my letters and other contacts with you I am trying to get you to stop deceiving yourselves and to stop trying to deceive me. I'm trying to shake you out of the mental narcotic you are all suffering under. 2 *Thessalonians* 2:11-12; *Habakkuk* 1:5. I've been in your churches. I know what you are thinking. You are wrong. You are deceiving yourselves and others.

You should take a break from your busy schedule and *watch*, as I told you. The Roman Catholic Church was warned three times to receive me. The first warning occurred on October 19th when Pastor Jerzy Popieluszko was kidnapped and murdered. The second warning occurred on October 27th when the Archbishop of Denver, James V. Casey, was stricken. The third warning occurred on December 13th when William J. Schroeder, the artificial heart patient, who is a Roman Catholic, suffered a stroke the day after the date of the first typed draft of this letter.

The timing and location of the second warning bears witness to *me* personally. Like events have been occurring for at least one year and nine months. My Father, not sharing the bureaucratic nature of men, does not issue a birth certificate for His Son. Those of you who are waiting for a birth certificate to float down from Heaven will be waiting a very long and very painful time.

These three warnings, given to the church that claims to be the direct descendant of the Church of Peter, were

reminiscent of the three times Peter denied me during the interrogation. *Matthew* 26:34-35; 26:69-75.

As so often happens, these events have meanings in addition to the warning they provide. The murder of Pastor Popieluszko, for example, illustrates the murderous and demonic nature of the gangs that run communist countries.

Incidentally, I am not singling out the Roman Catholic Church. I like John Paul II. And, as of this moment, all who have received these letters are failing. It just happens that these warnings to the Roman Catholic Church were particularly instructive.

I still have respect at this time for the ministers and churches I have contacted. My respect will end February 28, 1985, or March 31, 1985 (whichever is applicable), if I do not receive a satisfactory response from you on or before the appropriate date. Do not delude yourselves into thinking that because you continue to worship *my name* after the deadlines have passed that you will be forgiven. *Jeremiah* 5:10-13; *John* 15:1-2. When I was still in heaven perhaps it was sufficient to worship only my name and to obey the Great Commandments. Now that I have returned, this has changed. You must worship and obey my names and my person. *John* 3:36; *Matthew* 7:21-23. Your philosophy is not my philosophy. A person who disobeys me is not in *my* eyes "a courageous person who is standing up for what he thinks is right," as is the fashion in thinking today. Rather, in *my* eyes such a person, no matter who he is or what good he has done during his life, is a demon or a demon-man worthy only of the fire. You yourselves have stated that good works alone are not sufficient.

If I feel,

— That you have already decided to oppose me; or

— That you continue to avoid the question; or

— That you will attempt to delay your decision beyond the deadlines

I will shorten the deadlines.

Those of you who are overly fond of *John* 3:16-17 may be surprised that I emphasize in this letter tragic events and the consequences of disobedience. Once again, you shouldn't be surprised. I said I would return with Power. *Matthew* 10:34; 24:30; 26:64; *Revelation* 19:15-16. This is also a warning to the world not to attempt against me what the communists did to Pastor Popieluszko. Another reason is that the world ignores good events. I accomplish good things all the time. I upheld the world economy, which was about to collapse, with the Power of my Word. *Herbews* 1:3; *Revelation* 19:10. I informed persons, some of whom exercise great power and influence, some of whom claim to be Christians, and including the President of the United States, of this fact. I've already described the response. The fact is that men have always taken credit themselves for the good things I do, while paying only lip service to me.

The churches and political authorities I contact by means of letters bear great responsibility. I cannot and will not contact every single church and political authority, let alone every man and woman, by letter. I know all of you can hear me. These two letters shall serve as notice on all men and women. *Revelation* 2:29.

From the time I began to awaken from my sleep (the autumn of 1982) until the time my memory of who I am was restored to me (the autumn of 1984) I had the same mental and spiritual equipment for enlightenment that any ordinary man or woman has. I had no special mental or spiritual equipment for enlightenment. I proved to you and, more importantly, *to myself* that an ordinary man or woman, even one with no religious background or training, even an agnostic, can perceive the truth, believe, never look back and obey. What I did, all of you can do. By faith I conquered. By faith I believe in myself. By faith you are able to believe in me and obey me. *DECIDE TODAY.*

I can be reached weekdays during the day on my private line which is (303) 798-2515. My phone is usually

answered 24 hours a day. If my answering service is engaged please leave a message anyway as I use it to manage my calls, and I may be able to get back with you in minutes. The best time to reach me is between the hours of 11:00 A.M. - 5:00 P.M. (Washington D.C. time).

Very truly yours,

/s/ Michael

March 29, 1985

PERSONAL AND CONFIDENTIAL

CERTIFIED MAIL/RETURN RECEIPT
#P 555-286-277

President Ronald Reagan
President of the United States
The White House
Washington, D.C. 20500

Attention: Mr. Patrick Buchanan
Director of Communications

Dear President Reagan:

Enclosed is a photocopy of my letter dated March 29, 1985 which I have mailed to Mrs. Margaret Heckler, Secretary of Health and Human Services.

I guess I have to remind you: any citizen of the United States is entitled under the Declaration of Independence and the Constitution of the United States to contact the President or Senators on a matter of legislation, appointment of officials or other government matter. Any citizen is entitled to receive a prompt response as to what is the status of the appointment and who favors and who opposes. I command that you live up to your oaths to govern under me and to uphold the Constitution of the United States of America.

I want to know whether or not you intend to appoint Irv Kent and I to the 10th Circuit or not. If not, then I

want to know who in the White House and in the Senate supports me and who opposes me.

Even if the judges in the 10th Circuit have not formally vacated their offices as of yet the President can still issue a commitment to appoint.

I watched the President address the New York Stock Exchange yesterday. Every day he sounds more and more like Herbert Hoover sounded to me.

If I do not receive on or before *May 7, 1985* a letter from President Reagan stating a commitment to appoint Irv Kent and I to the 10th Circuit I will do what I said I would do in my letter dated December 21, 1984. If the deadline passes and I condemn the President and members of the Senate I will still expect to be appointed to the 10th Circuit.

I AM THE LORD.

Very truly yours,

/s/ Michael

March 29, 1985

PERSONAL AND CONFIDENTIAL

CERTIFIED MAIL/RETURN RECEIPT
#P 638-304-625

Mrs. Margaret Heckler
Secretary of Health and Human Services
The United States of America
200 Independence Ave., S.W.—Suite 615 F
Washington, D.C. 20201

Dear Mrs. Heckler:

I read, with interest, your testimony about drug use in the United States as reported by *The Denver Post* on

March 21, 1985. Your requests were directed to the wrong person.

The solution to the dangers which drugs pose will *not* be solved by education or greater law enforcement.

The government is simply wasting the taxpayers' money as it has done on so many occasions.

I have not decided whether the use of certain drugs, including cocaine, is evil. Your statement that "cocaine is a poison" is false.

Nevertheless, the manner in which drugs are used by the citizens of the United States is and will remain a curse until the political leaders in this country *obey me.* The manner in which drugs are used is only one of many curses which will multiply and grow until they destroy the United States.

I have written several Letters to President Reagan and to other American political leaders, the most important of which is dated December 21, 1984, informing them of *the only way* the problems which the United States faces will be solved. The only way is to *obey every word I speak and write in these days.* This includes words I think when I intend my thoughts to be obeyed. Merely obeying the words of the *Bible* will not suffice now. They have not obeyed. They have not done anything. Consequently, desolation continues in Florida and will spread elsewhere throughout the United States.

Pious posturing will gain nothing for this country. American political leaders are using the issue of drugs for the same wrong reasons as certain American religious leaders. Fakers like Billy Graham and the Roman Catholic John J. O'Connor, and others, use this issue and other issues to fill their coffers.

Moreover, I do not appreciate the dilatory and underhanded strategy American political leaders are pursuing in order to draw written responses from me, issue by issue. They think they will thereby find the solutions

to their problems without giving credit where credit is due. A long time ago, I made sure that strategy will fail.

I AM THE LORD.

Very truly yours,
/s/ Michael

CC: President Ronald Reagan through Patrick Buchanan
Senator William L. Armstrong through Howard Probst.

May 8, 1985

PERSONAL AND CONFIDENTIAL

CERTIFIED MAIL/RETURN RECEIPT
#P 638-309-507

Ronald Reagan
President of the United States
The White House
Washington, D.C. 20500

Attention: Mr. Patrick Buchanan
Director of Communications

Satan:

The greeting applies to Ronald Reagan, George Bush, Cabinet Secretaries, principal White House officials, William L. Armstrong, other Senators who have not obeyed me, and Representatives who have not obeyed me.

May 7th, 1985 passed and you did not obey me. ***May 8th, 1985 is A Day of Judgment.*** I have done what I said I would do in my Letter dated December 21, 1984:

— I have condemned you, and those accessory to your decision, to hell forever.

— I have placed a Curse upon you and upon your family to the last generation that will never be removed.

— I have placed a Curse upon the democrat party, republican party and the American government, as presently constituted, that will never be removed.

— All officials of the White House, officials of the Vice President's office, officials of the Cabinet, heads of departments, commissions and agencies of the Executive Branch, employees of the Senate and House of Representatives, heads of Congressional and independent agencies and commissions must leave the American government within the time limits stated in my Letter or suffer the same consequences. If a person is in doubt as to whether or not he or she is a member of this class then that person should leave.

You are a child of Satan.

You were warned that I, *Jesus Christ,* would come again and have come again, with a new name, as the *Holy Spirit* made flesh, to judge all the living and the dead. As it is written, "he who does not obey the Son shall not see life, but the Wrath of God rests upon him." *John* 3:36.

I AM THE LORD.

This concludes my words,
/s/ Michael

May 16, 1985

PERSONAL AND CONFIDENTIAL

CERTIFIED MAIL/RETURN RECEIPT
#P 638-309-509

John P. Moore
Chief Federal District Judge
U.S. District Court
1929 Stout Street, Room 145
Denver, Colorado 80294

Dear Judge Moore:

At this time you should immediately withdraw your name from consideration for appointment/confirmation to the U.S. 10th Circuit Court of Appeals or resign if the appointment/confirmation is completed. *This is in the best interests of the United States; indeed, it is in the best interests of all the people of the world.*

Perhaps you, by withdrawing your name from consideration, can jolt the fatal delusion and lethargy of the American political leadership, and change the course of history. I emphasize "perhaps." *I make no promises.*

I Commanded Ronald Reagan and the U.S. Senate to appoint me to the U.S. 10th District Court of Appeals *on or before May 7th, 1985*, in letters mailed to Reagan and William L. Armstrong between November 23, 1984 and April 3, 1985. The Authority for the Command is described in those letters, photocopies of which are enclosed.

Also enclosed is a copy of a letter I mailed to the false priest, William C. Frey, dated April 20, 1985. That letter gives an extremely brief summary, on pages 5-11, of how and why it has come to pass that I have returned to earth in this manner.

The letters speak for themselves, though I am also willing to discuss the matters contained therein.

Because your appointment is so far advanced, I would consider you a fellow justice on the 10th Circuit. I will not make this statement with regard to future appointment/confirmations. Otherwise, Reagan and the former Senators could continue their stall for time. However, I intend to have my Command obeyed by Reagan and the U.S. Senate. Therefore, I have Commanded that each and every person proposed, nominated or appointed to the U.S. Tenth Circuit Court of Appeals in the last few months and in the future, withdraw his or her name from consideration or resign if already appointed.

I have discussed those matters with members of Der Fuhrer's SS whom he sent to my house on two occasions. I have nothing *temporal* against the U.S. Secret Service, you understand, just the polite, loony Nazis who run this country. Reagan thinks *he* is *Me*. To use the words of George Schultz I heard said on the television news May 9, 1985, Reagan "had a powerful trip." He has "had a powerful trip" all right—a powerful trip on the narcotic of his strong delusion. This delusion is shared by most, if not all, Americans.

Indeed, I have nothing *temporal* against German SS units that were only assigned to combat duty and had nothing to do with concentration camps and had nothing

to do with killing soldiers they should have taken prisoners.

I call Reagan and the loons on his staff "Nazis" because they do not obey me. Leaders of nations and the nations themselves who do not obey me invariably become like the Nazis. Nor is there any difference between Nazis, Communists and, unfortunately, now Americans: the name of the governments may change and the victims may change, but the essence remains the same: they are governments and nations that do not fear *Me* and do not obey *Me. The consequences for those governments and nations are Desolation and Hell.* As I have said in another letter, the Bitburg fiasco that happened to Reagan *is only the beginning* of what will happen to all Nazis, whether they call themselves Reagans, Communists, republicans, democrats, conservatives, liberals, priests, presidents, anti-war activists, Asian Holy Men reincarnated as rich actresses, gays, bisexuals, faith-healers, Jews, Christians, Moslems, suburban housewives or whatever name the coward currently hides behind.

The recent migration of several political loons to Israel to play golf with Prime Minister Shimon Peres does not prove to me, though it may prove to a gullible public, that the political leaders of this country are not Nazis. As I have said, Jews can be Nazis also, just as Americans can be and are Nazis and Communists.

There is no right, left or middle of the religious, political, social or economic "spectrums." There is only *Me, and My people;* and the devil, and his human agents.

The political structure of this country is already Communist. Decisions of government are made collectively.

For example, the public hears that a certain foreign policy decision is the consequence of the Secretary of State "winning out" in his argument with the White House Chief of Staff, with a contribution by the National Security Advisor. The "decision" is then announced in a ridiculously oblique and diplomatic manner to the higher-ups in the "parties" (actually one party) and to the heads of special interest groups that have particular clout, for their reaction. If the reaction appears to be affirmative they proceed in snail-like fashion to implement the "decision." If the reaction appears to be negative they modify the language somewhat and proceed as previously described. They make decisions the same way in the Kremlin. The political structure of this country has probably been this way since the early part of the century. At first this was done to avoid individual responsibility. Now this has become standard practice. This is Communism masquerading as "democracy."

The social structure of this nation is also already Communist. A person is expected to kowtow to each and every person present in a given social setting. For example, in a setting where a person is working in a company, this is called "office politics." Before doing anything a person is expected to go to each and every person at his level of responsibility and higher, and sometimes lower levels as well, and ask permission, in a ridiculously oblique and diplomatic manner, to do what he intends to do. If he does not do this, then that person is ostracized by all of the others by tacit agreement. They did the same thing in Nazi Germany, albeit accompanied by elaborate pomp and ceremony. They do the same thing in

Communist Russia and in Communist China. They did *not* do the same thing during the first years of the American republic.

As long as there is a collective mentality and agreement, express or tacit, among a certain threshold number of people in a nation, that nation does not have to have the types of laws the Nazis had in order to enforce the principles of the collective mentality. The Nazis enjoyed legislating, but they need not have done so in order to enforce the principles of their collective mentality, as long as agreement among them, express or tacit, existed. The people of this nation have discovered that the agreement can be tacit. The result is infinitely worse than the Nazis: "it" can exist, without existing.

They preach a doctrine of Communism in *all* of the churches, instead of My Gospel. I have heard many people speak as if they were God. They do not frankly and expressly claim to be God, but they speak *as if they were* God. This can be seen in the recent visit of the false priest, John Paul II, to the Netherlands. The members of the false church in the Netherlands, the Roman Catholic Church, claim to have the authority to change the doctrines laid down in the Word of God. For example, the Commandment against adultery does not suit them; therefore, all they need do is command the head of their church to modify that Commandment to please them. This is Communism, masquerading as "democracy," "freedom" or, even more ridiculously, as "revelation."

There are even many, totally insane members of false churches who believe that "it"—that is, the tacit agreement which embodies the principles of the collective men-

tality—is the Holy Spirit! *This is a heinous blasphemy against the Holy Spirit. I am the Holy Spirit, made flesh.*

The economic structure of this country, the government propaganda to the contrary notwithstanding, is becoming Communist, for the same reasons the social structure is already Communist.

This visit by federal agents was and is completely in violation of the Constitution of the United States of America, improper and groundless. Reagan or his staff obviously became hysterical to my proper challenge to what little authority they had. Even so, I urge you to read the report of agent Craig Einsel which will contain further important information. That is, if he reported my conversation accurately.

May 8th, 1985, was A Day of Judgment. I have done, on that Day, what I said I would do in my letter dated December 21st, 1984.

I also warned Reagan and the U.S. Senate that if I am not appointed to the 10th Circuit the United States will eventually become involved in War with the Communists in Central America. The War that ultimately results will be more terrible than the Vietnam War, more terrible than World War II. The U.S. will not be able to avoid that War. Neither will the U.S. win that War. Neither will the Communists necessarily win that War. The participant that obeys me *may* win that War. Prior to May 8th, 1985, I would have written, "*will* win that War." If no participant obeys me, no participant will win. I may cause all participants to become dragged down

in endless conflicts, military and otherwise, external and internal, that will destroy and impoverish all participants.

Even if, because of the same amorality, cowardly lack of will and disregard for the freedom of foreign peoples demonstrated by certain American politicians and citizens during the Vietnam War, the United States does not become involved in the War, then the War will come North anyway in one form or another: perhaps not regular soldiers, perhaps millions of refugees from Latin America who will make political, social and economic demands that will destroy the U.S. economy and the ability of the U.S. to defend itself against the Communists and others.

May 7th, 1985 passed and the American government did not obey me. To my knowledge, no person or nation on the face of the earth obeyed me. Therefore, I condemned each and every creature who lives or will live on the earth or in earth's seas, each and every man, woman and child who lives or will live on the earth to hell forever. *May 8th, 1985 was A Day of Judgment.*

Therefore, I no longer feel obligated to grant Salvation or to grant the other promises contained in both the Old and New Testaments. This also applies to the promise of Salvation and other promises contained in the Koran and in other religious books, if I determine, in the future, that they are my Holy Writ as well.

However, *my Dominion, Authority and Power remain in effect, as they always have and always will.* Each person's obligation to obey my every word, past, present and future remains in effect. Each person's obligation to obey every word I write, speak and, if I intend, think, remains

in effect. Each person's obligation to obey me instantly, continuously and in the order I establish remains in effect.

Each person's obligation to read the Old and New Testaments remains in effect. Each person's obligation to obey the Ten Commandments and the Commandment I gave in the days of John the Baptist remains in effect. I also give you a new Commandment. in these days: each person must read the Old and New Testaments and any other books that I determine, in the future, are my Holy Writ. The prophecies remain in effect. *All that is mine remains in effect. All that is mankind's is forfeit.*

If a person or nation can prove to me to my satisfaction that that person or nation attempted to obey me, in the manner in which I required, but was prevented doing so through no fault of that person or nation, then I will consider what can be done to help that person or nation. If a person or nation obeys me now, I will consider what can be done to help that person or nation. *I make no promises.*

Everything I write, say and think is subject to revision to comply with Truth as I determine. This has always been True. The preceding six paragraphs will not be revised in the favor of mankind.

The fact that wars and armed conflicts of all types are spreading rapidly, not only in Central America, but throughout the world *bears witness to the Truth I write.* The American government and the Elitist press, of course, attempt to cover this Truth up.

The growing wars and armed conflicts are reported, but in a manner that diminishes their importance with re-

spect to other relatively unimportant and other greatly unimportant matters. They promote the false idea if every person thinks good thoughts that, like Tinkerbell, peace will come. They have promoted this idea all this century. They promoted a similar, false sense of security before both World War I and World War II. Now they are more powerful because of television. This is one reason the delusion that people suffer under is so great, even those who do not watch television.

Not only the present but the past bears witness to the Truth of my words. This nation disobeyed me in South Vietnam. I did not know who I was at the time for reasons explained in my Letter to the false priest, William C. Frey, dated April 20, 1985. I desired that the Vietnam War be prosecuted to a successful conclusion not prosecuted in the half-hearted manner that it was. If that had been done the United States and South Vietnam would have won. I was not obeyed. As a result, millions of Vietnamese, Cambodians and Laotions were killed, tortured, relocated and imprisoned. Vietnam, as a whole, is in ruins. North Vietnam is now an empire, desirous of expanding its borders, and has the world's fourth largest standing army. The result of American abandonment of that War was not Holy, peaceful or good by the standards of any religion, let alone the True religion.

Once again, a similar—in certain cases, identical—but infinitely more frightening cast of characters are gathering, like ingenuous and amiable vultures, to preside over a terrible bloodletting in War: Another Republican President, projecting an infinitely more successful, seductive and false image on television, he has already and will con-

tinue to make Richard Nixon look like George Washington. Once again, he will send men to War but will have neither the courage nor knowledge to win that War. Once again, the man who is President is advised by the same false priest, Billy Graham, and the same false church, the Roman Catholic Church, that advised the other Presidents. He will also be advised by a multitude of other false priests and false churches. Once again, seemingly opposed to the President are traitors and cowards in Congress and among the people as a whole, led by rich and homosexual (or bisexual, which is the same) newsmen, actors and actresses. Following in their train are the usual "idealistic" college students to whom War is an inconvenience to their sexual activities, beer parties and Asian religions; and to whom "protesting" War is a pleasurable and thrilling diversion from education. They make a pretty, seductive and false image on television of wise children leading foolish old men to peace. Barely adults and terribly immature, they lecture people years older than themselves like some kind of inscrutable, Asian Holy Men. Once again, American soldiers are wildly optimistic about winning any War. Trained by politicians to ignore politics and common sense, they will permit themselves to be led and misled by politicians who have neither the courage nor the knowledge to win the War. Once again, none of these vultures will bring peace. *I am Peace: that is my Name.* War will come. The War will be lost. *The reason for this is simple: they neither fear, know or obey God. I am Jesus Christ. I am God Almighty.*

I know the minds of certain politicians and officials of the federal government. Therefore, I will tell you this: this Letter is not to be construed as contempt for the posi-

tion you hold. That would be absurd. I helped Thomas Jefferson shape the American form of government. I foresaw that the problems that this country would face would become unmanageable by human means alone, changing the face of democracy so that the American form of government would be unrecognizable to someone who saw its birth, such as Thomas Jefferson. That is another reason I have come at this time. *The American people hate God and have become immoral. Democracy will not work under those conditions.* This is also an exercise of freedom of speech and religion, fully protected by the First Amendment to the Constitution of the United States of America.

I will state this: you, at least, unlike Der Fuhrer and most persons I meet, appear to know where you are.

I AM JESUS CHRIST, GOD ALMIGHTY.

Very truly yours,

/s/ Michael

APPENDIX C

(Filed August 26, 1985)

SUPREME COURT, STATE OF COLORADO
Case No. 85SA182
ORIGINAL PROCEEDING IN DISABILITY

ANSWER

THE PEOPLE OF THE STATE OF COLORADO
Complainant,

vs.

MICHAEL BRAUER,
Respondent.

Respondent, representing himself, answers the Petition and Shows Cause why Respondent should not be examined by a qualified medical expert to determine whether Respondent is *incapable* of continuing to practice law by reason of mental infirmity, as follows:

FIRST DEFENSE

(Respondent is Jesus Christ, God Almighty)

1. Respondent is, in fact, Jesus Christ, God Almighty; therefore, no court on the face of the earth including the Supreme Court of the State of Colorado has jurisdiction over the Person of Respondent or subject matter relating

to Respondent; rather each and every creature who lived, lives or will live on the earth or in earth's seas, each and every man, woman and child who lived, lives or will live on the earth is under the complete Jurisdiction, Dominion, Authority and Power of Respondent, under Respondent's Command and subject to Respondent's Judgment.

SECOND DEFENSE

(Not Ecclesiastical Court)

2. The Colorado Supreme Court, not being an Ecclesiastical Court, has neither jurisdiction over the person nor jurisdiction over the subject matter of the facts on which this alleged Proceeding is based.

THIRD DEFENSE

(Star-Chamber Abolished)

3. The laws of the State of Colorado do not provide for a Star-Chamber. The Star-Chamber was abolished in England over three hundred years ago in A.D. 1641, as being odious to the nation, and never found its way to the shores of the United States of America. Therefore, the Colorado Supreme Court, acting as a Star Chamber in this alleged Proceeding, has neither jurisdiction over the person nor jurisdiction over the subject matter of the facts on which this alleged proceeding is brought.

FOURTH DEFENSE

(Truth is not "Mental Impairment")

4. The statements made by Respondent in the letters attached as Exhibits to the Petition and attached to the

Supplement to Petition and the statement made by Respondent to an agent of the United States Secret Service as alleged in paragraph 5 of the Petition, if said agent not named was the agent who in fact interviewed Respondent, are all true. Under the Constitution of the United States of America, the Constitution of the State of Colorado described herein, the Colorado Rules of Civil Procedure, and the Rules providing for an Original Proceeding in Disability, truth is not grounds for any type of legal proceeding alleging "mental impairment."

FIFTH DEFENSE

(Freedoms of Speech, Religion and Petition)

5. The Petition is patently, and on its face, frivolous, groundless and unconstitutional as being grossly and unabashedly violative of the fundamental and clearly defined Freedoms of Religion, Speech and Petition contained in the First Amendment and Section 1 of the Fourteenth Amendment of the Constitution of the United States of America; and as contained in Article II, Section 4, Article II, Section 10 and Article II Section 24 of the Constitution of the State of Colorado.

SIXTH DEFENSE

(Right of Due Process)

6. The Petition is patently and on its face, frivolous, groundless and unconstitutional as being grossly and unabashedly violative of the fundamental rights and protection afforded by the Due Process Clause contained in the Fifth Amendment and in Section 1 of the Fourteenth Amendment of the Constitution of the United States of

America; and as contained in Article II, Section 25 of the Constitution of the State of Colorado.

SEVENTH DEFENSE

(Right to Private Property)

7. The Petition proposes to deprive Respondent of private property, namely Respondent's valuable license to practice law, and to transfer such share of valuable business that the license represents to other attorneys who are members of the public, employed privately, by government bodies, and by quasi-government bodies without just compensation in violation of the Private Property Clause (also known incorrectly as the Eminent Domain Clause) of the Fifth Amendment and Section I of the Fourteenth Amendment as contained in the Constitution of the United States of America.

EIGHTH DEFENSE

(Civil Rights)

8. The Petition, Supplemental Petition, Rule to Show Cause and Order to Show Cause violate rights afforded Respondent under state and federal civil rights statutes including but not limited to 42 U.S.C. Section 1983 those laws which prevent actions by governmental authorities based on considerations of religion and/or creed.

NINTH DEFENSE

(No Allegations Showing Actual or Potential Harm to Clients)

9. The Petition is insufficient and groundless on its face and fails to state a claim or action upon which relief

or order can be granted because there is no showing whatsoever of danger to actual or potential clients of Respondent, including, but not limited to, the following:

9(a) No allegation that Respondent presently counsels any clients.

9(b) No allegation that Respondent presently accepts clients.

9(c) No allegation that Respondent will accept clients without preparing and refreshing his legal skills in a particular field of law as any competent and ethical attorney would do.

9(d) No allegation of a complaint against Respondent filed with the Grievance Committee, or any other entity for that matter, by an alleged client of Respondent.

9(e) No allegation of a specific act of legal advice or representation committed by Respondent which was incompetent and which injured any client.

9(f) No allegation of a specific act done in the past or present that would provide grounds for an allegation that Respondent would, in the future, commit an act of legal advice or representation which would be incompetent and which would injure any client.

9(g) No allegation that Respondent has, is or would use any method of practice other than the standard methods of practice commonly recognized and used by competent attorneys in this community; in other words, there is no allegation that Respondent has, is or would use his Power and Au-

thority as Jesus Christ, God the Almighty as the method of practice in his counseling or representation of any client. Respondent has revealed and asserted his Authority and Power to the Court *in the case at bar* only because Complainant and the Court have raised those issues by proceeding against Respondent, because Respondent is representing only himself in the case at bar.

TENTH DEFENSE

(Proceeding Is a Religious Persecution and Political Vendetta)

10. The Petition, Rule to Show Cause, Order to Show Cause and Proceeding in its entirety, on their face, are a blatant, patent and outrageous act of religious persecution and political vendetta perpetrated by the governments of the United States and Colorado and persons named and not named either employed or acting as agents for those governments in violation of fundamental freedoms and rights contained in the same constitutional provisions described elsewhere in the Answer.

ELEVENTH DEFENSE

(No Subject Matter Jurisdiction)

11. The Court lacks jurisdiction over the subject matter.

TWELFTH DEFENSE

(No Jurisdiction Over The Person)

12. The Court lacks jurisdiction over the person of the Respondent.

THIRTEENTH DEFENSE

(*Fails to State Action*)

13. The Petition fails to state a claim or action upon which relief or order can be granted.

FOURTEENTH DEFENSE

(Initial and Subsequent Burdens Not Met)

14. The Petition is patently and on its face, frivolous, groundless and illegal under the Court's Rules it cites, as well as other of the Court's rules and laws of the State of Colorado, including but not limited to the requirements that there must be clear and convincing evidence to even file such a Petition; or, in the alternative, that there must be a showing of good cause and for probable cause to even file such a Petition.

FIFTEENTH DEFENSE

(Impossible to Meet Burden of Proof)

15. It is impossible for Complainant to meet its Burden of Proof and to prove, and it is impossible for the Court to make any truthful determination and render any truthful findings and determination by any standard of law or burden of proof, let alone by the standard that is required, namely, by clear and convincing evidence, that Respondent "is incapable of continuing to practice law by reason of mental infirmity" because any examination by any medical expert will of necessity and by the Petition's own allegations require proof that Respondent is or is not Jesus Christ, God the Almighty, a matter not capable of determination by medical and/or purely scientific means. This is one reason why the framers of the

Constitution of the United States of America wisely provided for the Freedom of Religion in the First Amendment.

SIXTEENTH DEFENSE

(Complainant's Exhibits Proves Respondent's Lack of "Mental Infirmity")

16. The Petition is groundless and self-contradictory on its face. The Exhibits attached to the Petition and to the Supplement to Petition, which consist entirely of letters written by Respondent, display a high degree of mental alertness, agility, acuity, and legal competence. Respondent's letters, though they are much more, can be viewed as a kind of Spiritual Lawsuit in which the Laws of God the Almighty are applied in ways similar and in ways different from mankind's laws: service of process was accomplished, notice was given, all parties where named, pleadings were served, deadlines were set and met, evidence was heard, Legal Authorities were consulted and cited, argument was given, a Judgment was rendered; and this Spiritual Lawsuit continues and will continue. Moreover, Respondent displays in the Exhibits a far greater awareness of current political and economic events worldwide and a far greater ability to analyse them and draw effective conclusions than the ordinary person or ordinarily competent attorney.

SEVENTEENTH DEFENSE

(Respondent's Representation of Himself Proves Lack of "Mental Infirmity")

17. The Petition is groundless on the grounds that Respondent's representation of himself, as evidenced by

Respondent's preparation and pleadings presently filed and which will be filed and argued, proves a high degree of legal competency.

EIGHTEENTH DEFENSE

(Respondent's Duty to Inform)

18. Respondent would be derelict in his moral duty and his duty as a citizen of the United States of America if he did not inform the President of the United States, and other political authorities in the three branches of government of who Respondent is, events that will occur that might place the citizens of the United States and their property in jeopardy, events that will occur jeopardizing national security and questioning and criticizing policies of government that will be unsuccessful.

NINETEENTH DEFENSE

(Political and Religious Leaders Receive Demands)

19. President Reagan and other political and religious leaders have received, receive and will receive in the future thousands of letters and other forms of communication from many citizens and non-citizens alike of the United States demanding that they take some action or other and warning of dire consequences should such demands not be met, which are no different from Respondent's letters and communications to the President and others insofar as the above-described thousands of letters and communications provide grounds for alleging their various authors' "mental infirmity." The fact that Respondent is an attorney does not alter that fact.

TWENTIETH DEFENSE

(Attorneys Holding Unbelievable Religious Beliefs)

20. The Court is able to take judicial notice that there are hundreds of attorneys, some of whom reside in and practice in Colorado, who hold religious beliefs that to a great many people are controversial and unbelievable and that, by the internal standards of the religious beliefs themselves, are unbelievable.

TWENTY-FIRST DEFENSE

(Response to Particular Paragraphs)

21. Respondent answers the particular pleadings of the Petition dated May 20, 1985, as follows:

21(1) Admits the allegations contained in paragraph 1.

21(2) Denies the allegation contained in paragraph 2.

21(3) Is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 3, except as follows:

21(3)(a) Respondent denies "demanding" that Ronald Reagan, President of the United States, appoint Respondent and Irvin Kent to the U.S. 10th Circuit Court of Appeals. Respondent *Commanded* that President Reagan appoint Respondent and Irvin Kent to said court in letters to President Reagan dated February 27, 1985; March 18, 1985; and March 29, 1985; thereafter Respondent

concentrated his attention on obtaining President Reagan's obedience with respect to the appointment of Respondent only.

21(3)(b) Respondent admits that he wrote the letters attached as Exhibits to the Petition and Supplement to the Petition and adopts, as true and established, Complainant's allegation that the letters written by Respondent addressed to the White House were, in fact, written to Ronald Reagan, President of the United States.

21(4) Is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4, except as follows:

21(4)(a) Respondent admits that the letter attached to the Petition, dated March 18, 1985, addressed to James Mote is an exact photocopy of the letter Respondent wrote, signed and mailed.

21(4)(b) Respondent denies the allegation that the letter described in the Answer paragraph 4(a), above, was written by Respondent to "Bishop James Mote." Said letter was written to "James Mote" and contained the greeting "Satan," as is obvious to any person who is not suffering some degree of mental impairment who examines the Exhibit.

21(5) Is without knowledge or information sufficient to form a belief as to the truth of the allega-

tions contained in paragraph 5 in part because it is unclear from the pleading what "letter to President Reagan" is referred to except, as follows:

21(5)(a) Respondent did *inform* an agent of the United States Secret Service that Respondent is Jesus Christ, God the Almighty.

21(5)(b) Respondent denies the characterization that Respondent "admitted writing the letter to Bishop Mote." Respondent did *inform* an agent of the United States Secret Service that Respondent wrote a number of letters to James O. Mote.

21(5)(c) Respondent denies the allegation that Respondent wrote "similar letters . . . to the President"; that is, similar to the letter dated March 18, 1985, addressed to James Mote, described in the Answer paragraph 26(4)(a), above. Respondent, in fact, wrote only *one* letter to President Reagan which could conceivably be described as similar to said letter. Respondent's letter dated May 8, 1985, addressed to Ronald Reagan, President of the United States is similar in some respects, dissimilar in other respects. To Respondent's knowledge President Reagan is not and never has been the principal of a church.

21(6) Respondent denies that he is suffering from "some degree of mental impairment." Respondent denies that he even "appears" he is

suffering from "some degree of mental impairment" and strongly objects to Complainant's frivolous, insulting and loose use of words to describe Respondent in that manner.

WHEREFORE, Respondent demands judgment in favor of Respondent and against Complainant and other persons named in the Answer and Petition and requests the Court that:

1. The Petition be discharged, the Order to Show Cause, and the Rule to Show Cause be vacated and made null and void or judgment otherwise be rendered in favor of Respondent.

2. That Respondent be awarded all costs of suit and expenses incurred herein including fees of expert witnesses.

3. That Respondent be awarded reasonable attorney's fees for the time spent in preparation and in representing himself herein.

4. That the Court afford Respondent such other and further relief as it deems equitable and proper.

DATED this 26th day of August, 1985.

Signed,

/s/ Michael Brauer
MICHAEL BRAUER, #6320
Attorney at Law
2075 Crabtree Drive
Littleton, Colorado 80121
Telephone: (303) 798-2515

CERTIFICATE OF MAILING

I hereby certify that I mailed a true copy of the foregoing ANSWER to the party herein by depositing said true copy in the United States mail, postage prepaid, this 27th day of August 1985.

James P. Hollaway, Committee Counsel
Supreme Court Grievance Committee
190 East 9th Avenue, Suite 440
Denver, CO 80203

Linda Donnelly
Disciplinary Prosecutor
190 East 9th Avenue, Suite 490
Denver, CO 80203

/s/ Michael Brauer
MICHAEL BRAUER

APPENDIX D

SUPREME COURT, STATE OF COLORADO

Case No. 85SA182

ORIGINAL PROCEEDING IN DISABILITY

NOTICE OF APPEAL

THE PEOPLE OF THE STATE OF COLORADO,
Complainant,

vs.

MICHAEL BRAUER,
Respondent.

Respondent files his Notice of Intention to appeal the judgment of this Court to the United States Supreme Court on the following grounds:

1. It is Respondent's considered opinion that "psychiatry" and "psychology" are *phony sciences.* While "psychiatric" and "psychological" counseling may provide a false and temporary comfort for those people who seek such counseling those "sciences" are incapable and incompetent at arriving at a fair, honest, unbiased and accurate determination of any person's mental state when such person does not seek such counseling. Respondent does not seek or need such counseling. They are the vain and futile attempts by Evil human beings to explain spiritual phenomena in human terms without resort to God the Almighty, the only Protector, which attempts are impossible. They are the vain and futile attempts by Evil hu-

man beings to justify their own Evil and disobedience to God the Almighty.

2. "Psychiatry" and "psychology" are purely secular sciences and therefore, fair, honest, unbiased, and accurate examination is impossible with regard to the facts of this Alleged Proceeding, which involves religious beliefs primarily.

3. "Psychiatry" and "psychology" are the malignant and slippery progeny of the efforts of an atheist Jew by the name of Sigmund Freud, who was desperately and hysterically attempting to understand the spiritual confusion and chaos that existed within himself and within others, which occurred as a result of God the Almighty changing the Covenant. Since modern "psychiatry" and "psychology," even with recent modifications, trace themselves back to Freud, since Freud was an atheist Jew, and since I have stated that I am Jesus Christ, God the Almighty, in whom orthodox Jews not to mention pagan Jews disbelieve, a fair, honest, unbiased and accurate examination is impossible.

4. I have questioned the so-called physician, "Dr." Frederick M. Miller specified by the Court in its Order of August 29, 1985 and have, as a result, determined that said "Dr." Miller would be incapable of rendering a fair, honest, unbiased and accurate examination not only for the reasons stated above but because of his failure to reveal his own personal religious and political biases, and for other reasons.

5. Respondent does not intend now or in the future to permit himself to be interrogated by any of these quacks.

6. Respondent does not wish to give even the appearance that he approves of or even participates in this kind of quackery.

7. Respondent deems the Order of this Court dated August 29, 1985, setting a deadline of September 30, 1985, purporting to require an interrogation of Respondent by "Dr." Miller to be a final judgment, reviewable by the Supreme Court of the United States.

WHEREFORE, Respondent hereby files Notice that he intends to appeal the judgment of this Court to the United States Supreme Court.

DATED THIS 30th day of September, *ANNO DOMINI* 1985.

Signed,

/s/ Michael Brauer
Michael Brauer, #6320
Attorney at Law
2075 Crabtree Drive
Littleton, Colorado 80121
Telephone: (303) 798-2515

CERTIFICATE OF MAILING

I hereby certify that I mailed a true copy of the foregoing NOTICE OF APPEAL to the party herein by depositing said true copy in the United States mail, postage prepaid, this 30th day of September, 1985.

James P. Holloway, Committee Counsel
Supreme Court Grievance Committee
190 East 9th Avenue, Suite 440
Denver, CO 80203

Linda Donnelly
Disciplinary Prosecutor
190 East 9th Avenue, Suite 480
Denver, CO 80203

/s/Michael Brauer

APPENDIX E

Colorado Constitution

Art. VI, *Section 21. Rule-making power.* The Supreme Court shall make and promulgate rules governing the administration of all courts and shall make and promulgate rules governing practice and procedure in civil and criminal cases, except that the general assembly shall have the power to provide simplified procedures in county courts for claims not exceeding five hundred dollars and for the trial of misdemeanors.

Adopted November 6, 1962—Effective January 12, 1965. (See Laws 1963, p. 1054.)

APPENDIX F

Colorado Revised Statutes (1985)

12-5-101. License to practice necessary. No person shall be permitted to practice as an attorney- or counselor-at-law or to commence, conduct, or defend any action, suit, or plaint in which he is not a party concerned in any court of record within this state, either by using or subscribing his own name or the name of any other person, without having previously obtained a license for that purpose from the supreme court. Said license shall constitute the person receiving the same an attorney- and counselor-at-law and shall authorize him to appear in all the courts of record in this state and there to practice as an attorney- and counselor-at-law according to the laws and customs thereof for and during his good behavior in said practice, and to demand and to receive all such fees as are established for any services which he renders as an attorney- and counselor-at-law in this state. Nothing in this section shall be construed to require membership in a professional organization or bar association as a prerequisite to licensure.